

Also, petition of San Francisco Lodge, No. 68, International Association of Machinists, insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910, and for the eight-hour clause in naval appropriation bill; to the Committee on Naval Affairs.

By Mr. KNAPP: Protest of Board of Trade of Alexandria Bay, N. Y., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petitions of the Business Man's Publishing Co. and the Sprague Publishing Co., of Detroit, Mich., protesting against the bill to increase postal rates on magazines and periodicals; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of business men of Pawnee City, Humboldt, Crab Orchard, Hickman, Firth, Raca, and Kramer, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers from various organizations, favoring House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Protests of James McQuaide, F. H. Krewson, H. L. Gardner, The C. M. Wessels Co., Lowrie D. Coleman, Robert F. Salade, Peter E. Kelly, James Kerney, J. B. McMasters, Samuel Fisher, Ernest Veeck, and H. T. Paiste Co., against increase of magazine postal rates; to the Committee on the Post Office and Post Roads.

Also, petitions of District Lodge, No. 1, and George Chance Lodge, No. 361, International Association of Machinists, favoring eight-hour law and battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, protests of J. O. Weedon, A. B. Furner, Kenton Warne, Carl W. Kimpton, Ray M. Vanderherchen, W. D. Lumis, J. C. Huntington & Co., and Miller Lock Co., against increase of magazine postal rates; to the Committee on the Post Office and Post Roads.

Also, resolutions of State Council of Pennsylvania, Washington Camps Nos. 1, 83, 465, 488, 136, 343, 535, 624, and 457, all of Patriotic Order Sons of America, and Crystal Council, No. 300, Junior Order United American Mechanics, favoring the passage of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of New England German-American National Alliance, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of International Association of Machinists, favoring the building of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PAYNE: Petitions of Marion and Dresden (N. Y.) Granges, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. PEARRE: Petition of Friends of Sandy Spring, Montgomery County, Md., against fortifying the Panama Canal; to the Committee on Railways and Canals.

Also, petition of United Hebrew Charities of Baltimore, Md., against violation of a treaty by the Russian Government by refusing to accept passports issued to Hebrews; to the Committee on Foreign Affairs.

Also, petitions of Local Camp No. 18, Patriotic Order Sons of America, of Hancock, Md., and Washington Camp No. 43, of Doubs, Md., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Montgomery County (Md.) Anti-Saloon League, for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Swanton Grange, No. 194, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Washington Camp No. 31, Patriotic Order Sons of America, of Raspeburg, Md., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of citizens of Illinois, against House joint resolution 17; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Housatonic (Conn.) Grange and Northfield Grange, for a full and complete parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. WEISSE: Petition of citizens of Wisconsin, favoring construction of battleship *New York* at a Government navy yard; to the Committee on Naval Affairs.

Also, petition of American Federation of Labor, Local No. 657, of Sheboygan, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of Charles O. Morley and other citizens of Brooklyn, N. Y., for the eight-hour clause with reference to construction of battleships; to the Committee on Naval Affairs.

SENATE.

THURSDAY, February 16, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10583) to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, D. C.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 24123) for the relief of the legal representatives of William M. Wightman, deceased.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases, to \$2 a day, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes; recedes from its disagreement to the amendment of the Senate No. 203 and agrees to the same; further insists upon its disagreement to the amendments of the Senate upon which the committee of conference have been unable to agree; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and has appointed Mr. GILLET, Mr. GRAFF, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 9405. An act to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes;"

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia;

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 25569. An act to authorize a patent to be issued to Margaret Padgett for certain public lands therein described;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2880;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31353. An act for the relief of F. W. Mueller;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.;

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to construct a dam across New River; and

H. R. 32473. An act for the relief of the sufferers from famine in China.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Live Oak Camp, No. 2037, Woodmen of the World, of Chalkbluff, Tex., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Religious Society of Friends, of Chappaqua, N. Y., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

He also presented a petition of the Trades and Labor Council of Danville, Ill., praying for the construction of all battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER. Mr. President, I have had a deluge of telegrams during the last few days asking me to support the so-called Sulloway pension bill. This morning I received a letter which I think I will take the liberty of reading—it is very brief—from a well-known resident of a town in New Hampshire. It is as follows:

The National Tribune telegraphs commander of Grand Army of the Republic post here: "GALLINGER not as earnest as wished for. Can you bring some influence to bear on him? His vote and attention quite important. This in relation to the Sulloway bill before the Senate."

Mr. President, I have been a reasonably consistent friend of the soldiers in all matters of pension legislation, and I am giving very careful consideration both to the so-called Sulloway bill and the substitute bill reported by the Senator from North Dakota [Mr. McCUMBER], the chairman of the Committee on Pensions. When the matter comes up for vote I shall vote as my intelligence and conscience dictate and not because somebody in Washington has telegraphed somebody in New Hampshire to line me up on the question.

The PRESIDENT pro tempore. The telegrams will lie on the table, the bill having been reported.

Mr. GALLINGER presented a petition of the proprietor of the Gazette-Times-Press, of Lancaster, N. H., and a petition of the Emerson Paper Co., of Sunapee, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the editor of the Dublin News, of Dublin, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation providing for an increase in the salaries of Government employees, which was referred to the Committee on the District of Columbia.

He also presented memorials of Local Union No. 15, Brotherhood of Paper Makers, of Lisbon Falls, Me.; of the Emerson Paper Co., of Sunapee, N. H.; of Local Grange of Campton; of Mountain Grange of Ossipee; of Local Grange No. 160, of Carroll; and of Local Grange No. 230, of Unity, Patrons of Husbandry; and of sundry citizens of Berlin and Dover, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of Local Division No. 125, Amalgamated Association of Street Railway Employees of America, of Belleville, Ill., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

He also presented a petition of Local Union No. 1675, United Brotherhood of Carpenters and Joiners of America, of Breese, Ill., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Charter Oak Grange, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Wabash Lodge, No. 237, International Association of Machinists, of Mount Carmel, Ill., remonstrating against the repeal of the so-called eight-hour law relative to the building of battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Local Business Club of Chester, Ill., remonstrating against the passage of the so-called

parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented a petition of Holland Post, No. 78, Grand Army of the Republic, Department of Nebraska, of Crete, Nebr., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

Mr. BOURNE. I present a telegram which I have received from the Oregon & Washington Lumber Manufacturers' Association, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

PORTLAND, OREG., February 14, 1911.

HON. JONATHAN BOURNE, JR.,

United States Senate, Washington, D. C.:

The senate to-day passed house joint resolution No. 60, as follows:

"Whereas the Canadian reciprocal agreement opposing the removal of duties upon farm and timber products is now under consideration by Congress; and

"Whereas the removal of these existing tariffs upon its products will work inestimable damage to the welfare of the State; and

"Whereas by reason of the shipping laws of the United States foreign vessels can not be used between domestic ports, while vessels under any flag can be used between Canadian ports and those of the United States, thereby securing very much lower rates and making the competition more difficult to meet; and

"Whereas a Tariff Commission has been appointed by the President of the United States to examine into and report on the necessity of changes in our present tariffs on all commodities, both raw and manufactured: Now therefore be it

"Resolved, That the Legislature of the State of Oregon requests its Senators and Representatives in Congress to oppose the ratification or consent of or to said Canadian reciprocal agreement at this time and until said Tariff Commission has reported and the country is more fully advised as to the effect of such agreement will have upon the industries and development of the United States."

L. J. WENTWORTH,

President Oregon & Washington
Lumber Manufacturers' Association.

Mr. BOURNE. I present a telegram from the Legislature of the State of Oregon, which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

SALEM, OREG., February 15, 1911.

HON. JONATHAN BOURNE, JR.,

Washington, D. C.:

To the honorable Senate and House of Representatives, Congress of the United States.

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pensions now granted under existing laws to the veterans of the Civil War are, by reason of advancing age and increasing infirmities, inadequate to the deserts and need of those old soldiers who are so rapidly passing away. We therefore urge upon your honorable body the passage of House bill 29346 (the Sulloway bill), granting increased pensions to the survivors of the Civil War commensurate with their increasing age and infirmities. The number of survivors of the Civil War is rapidly growing smaller and their ranks are fast becoming depleted, and we feel that their services to the Nation have been sufficient to warrant the payment to them of the pension provided for in this bill. It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house and attested by the chief clerks of the two houses, be immediately forwarded to each of the Oregon Senators and Representatives in Congress.

Adopted by the house February 13, 1911; concurred in by the senate February 14, 1911.

JOHN P. RUSK, Speaker of the House.
BEN SNELLING, President of Senate.
W. F. DRAGER, Chief Clerk of House.
F. H. FLAGG, Chief Clerk of Senate.

Mr. DILLINGHAM presented a petition of Local Chapter, American Federation of Labor, of Bennington; of General Stark Council, of Springfield; and of Rising Sun Council, of St. Johnsbury, Junior Order United American Mechanics, in the State of Vermont; and of Enterprise Council, Junior Order United American Mechanics, of Keyser, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Prospect Grange, No. 331; Coldspring Grange, No. 427; Willoughby Lake Grange; Local Grange of Chester; and of Local Grange of Brandon, Patrons of Husbandry, all in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SCOTT presented a memorial of Richlands Grange, No. 76, Patrons of Husbandry, of Greenbrier County, W. Va., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Parkersburg, W. Va., remonstrating against the proposed increase in the postal rates on magazines and periodicals, which was ordered to lie on the table.

Mr. YOUNG presented petitions of the Trades and Labor Assembly of Muscatine; of Local Union No. 1112, United Brotherhood of Carpenters and Joiners of America, of Marshalltown; and of Local Union No. 18, United Association Journeymen Plumbers, Gas and Steam Fitters, and Steam Fitters' Helpers, of Sioux City, all in the State of Iowa, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW. I present a concurrent resolution of the Legislature of the State of New York, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

IN ASSEMBLY, January 23, 1911.

Mr. Ahern offered for the consideration of the house a resolution in the words following:

Whereas the United States possesses one of the finest navy yards in the world, situate in the borough of Brooklyn, city and State of New York, and comprising 144 acres of land and 3 miles of water front; and

Whereas said navy yard is sufficiently equipped to economically and expeditiously construct the largest class of battleships, as has been demonstrated by the building of the U. S. battleships *Connecticut* and *Florida*; and

Whereas the maintenance of the well-organized and efficient mechanical force in said yard, ready to meet any emergency, is demanded; and

Whereas battleships should be built in the Government navy yards, in order that competition between the private yards shall not be lost in a combination to overcharge the Government; and

Whereas arrangements have been made for the building of the battleship *New York* at the New York Navy Yard, and a movement is now on foot to build this vessel at a private yard: Now therefore be it

Resolved (if the senate concur), That the President of the United States, the Secretary of the Navy, and the Representatives in Congress from this State be, and they hereby are, requested to strenuously oppose the effort which is being made to have the battleship *New York* built in a private yard; and they are requested to see that this battleship is built in the New York Navy Yard, where such successful work has been heretofore done.

Said resolution giving rise to debate, ordered that the same be laid on the table.

JANUARY 30, 1911.

By unanimous consent, Mr. Ahern called up his resolution in relation to the construction of battleships at the Brooklyn Navy Yard introduced January 23.

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate and request their concurrence therein.

The senate returned the concurrent resolution introduced by Mr. Ahern in relation to the construction of battleships at the Brooklyn Navy Yard with a message that they have concurred in the passage of the same without amendment.

OFFICE OF THE CLERK OF THE ASSEMBLY.

STATE OF NEW YORK, County of Albany, ss:

I, Luke McHenry, clerk of the assembly, do hereby certify that I have compared the foregoing resolution and record of proceedings of the assembly had thereon with the original thereof as contained in the original copy of the official journal of the proceedings of the Assembly of the State of New York of the 23d and 30th days of January, 1911, now on file in my office; that the foregoing is a true and correct transcript of said original resolution and record of the proceedings of the assembly had thereon on the said dates and of the whole thereof.

In witness whereof I have hereunto affixed my hand and official seal this 7th day of February, 1911.

LUKE MCHENRY,
Clerk of the Assembly.

Mr. DEPEW presented a petition of Local Union No. 103, Brotherhood of Painters, Decorators, and Paperhangers, of Binghamton, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Central Labor Union of Ithaca; of Local Union No. 1741, United Brotherhood of Carpenters and Joiners, of Lake Placid; of Washington Camp No. 32, Patriotic Order Sons of America, of Warwick; of Charles De Witt Council, No. 91, Junior Order United American Mechanics, of Kingston; and of Local Union No. 31, Brotherhood of Painters, of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Admiral Cook Camp, No. 69, United Spanish War Veterans, of Haverstraw; of Local Lodge No. 330, International Association of Machinists, of Buffalo; and of sundry citizens of Lancaster, all in the State of New York, praying for the enactment of legislation providing for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Union of Ithaca, N. Y., remonstrating against the repeal of the present

law relative to the printing by the Government of notes, bonds, and checks, which was referred to the Committee on Printing.

He also presented a petition of the Business Men's Association of Auburn, N. Y., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of Local Granges No. 833, of Bernhards Bay; No. 841, of Putnam Valley; No. 613, of Maple-town; No. 43, of Lenox; No. 6, of Honeoye Falls; and of Shawangunk Grange, No. 1018, of Greenville, all of the Patrons of Husbandry; and of sundry citizens of Willink and Niagara Falls, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of the Boone and Crockett Club, of New York City, N. Y., praying for the enactment of legislation providing for the establishment of the Appalachian Forest Reserve, which was ordered to lie on the table.

He also presented a petition of Root Post, No. 151, Grand Army of the Republic, Department of New York, of Syracuse, N. Y., and a petition of James Hall Camp, No. 111, Sons of Veterans, of Jamestown, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 17.

A resolution memorializing Congress to pass an act providing for the sale of the coal and asphalt lands of the Choctaw and Chickasaw Nations.

Whereas there has been introduced in the Congress of the United States a bill providing for the sale of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations; and

Whereas said bill has been drafted and agreed upon by all interests affected, Indians and white people alike, thereby removing the objections to said legislation that have heretofore existed, and all interests affected are now urging its passage, the Indians because it will carry out the solemn treaty stipulations contained in the supplementary agreement of 1902, for the sale of their coal and asphalt lands and the distribution per capita of the proceeds, and the white people because it would result in the development and taxation of a large area of land now wholly undeveloped and untaxable, thereby lightening the burden of taxation and resulting in great good to the whole people of the State of Oklahoma: Therefore be it

Resolved by the senate (the house of representatives concurring therein), That the Congress of the United States be, and the same is hereby, memorialized to pass an act at the present session of Congress that will result in the early sales of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations and the distribution of the proceeds per capita among the Indians.

Resolved, That a copy of this resolution be forwarded to Hon. T. P. GORE and the Hon. ROBERT L. OWEN and to the Members of Congress of Oklahoma, and that they be requested to present the same to Congress.

Passed by the senate February 6, 1911.

J. ELMER THOMAS,
President pro tempore of Senate.

Passed by the house of representatives February 6, 1911.

W. A. DURANT,
Speaker of House of Representatives.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

House concurrent resolution 19.

Whereas by act of Congress approved June 28, 1906, the mineral interests then belonging to the Osage Tribe of Indians were retained by the tribe for the period of 25 years, unless otherwise provided by act of Congress; and

Whereas the said act of Congress also provides for the allotment in severalty of the lands of the Osage Tribe of Indians, among the members of said tribe without any right or ownership in the minerals underneath the surface; and

Whereas the said reservation of mineral interest to said tribe is operating to the great detriment to the individual members of the tribe, and is retarding the growth and development of Osage County because of the fact that it makes land sales difficult and because of the fact that it prevents the members of said tribes from receiving a fair and reasonable price for their land.

Therefore we respectfully petition that the Congress of the United States, in a legislation, provide that the minerals now reserved to the Osage Tribe of Indians be individualized and placed to the allottees so that each allottee will receive the minerals underlying the surface allotted to him.

Passed the house of representatives January 24, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Passed the senate February 7, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

I certify that the above and foregoing is a true and correct copy of house concurrent resolution No. 19.

G. A. CROCKETT, Chief Clerk.

Mr. BURNHAM presented a petition of the editor of the Gazette-Times-Press, of Lancaster, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. WATSON presented the memorial of L. J. R. Drysard and H. T. Watts, of St. Marys, W. Va., remonstrating against the passage of the so-called rural parcels post bill, which was ordered to lie on the table.

He also presented a petition of the National American Alliance, of Wheeling, W. Va., praying that an appropriation of \$30,000 be made toward the erection of a monument at Germantown, Philadelphia, Pa., in commemoration of the founding of the first permanent German settlement in America, which was referred to the Committee on the Library.

Mr. OLIVER presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people, which was ordered to lie on the table.

He also presented a memorial of the Pennsylvania State Grange, Patrons of Husbandry, remonstrating against any change being made in the postal rates on periodicals and magazines, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of Local Councils No. 51, of North Wilkesboro; No. 294, of Ophir; No. 208, of Mebane; No. 139, of Cliffside; No. 325, of Lowes Grove; No. 101, of Copeland; No. 111, of Sanford; No. 272, of Powells Point; No. 275, of Rougemont; Smith River Council, No. 71, of Spray; and of Fred Green Council, No. 99, of East Durham, Junior Order United American Mechanics; and of Washington Camps No. 23, of Angier; No. 4, of East Spencer; No. 22, of Raleigh; No. 18, of Marion; No. 35, of East Durham; and No. 1, of Winston Salem, Patriotic Order Sons of America; and of sundry citizens of China Grove, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. PAGE presented a petition of Rising Sun Council, No. 34, Junior Order United American Mechanics, of North Danville, Vt., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. SMITH of South Carolina presented a memorial of sundry citizens of Heath Spring, S. C., remonstrating against any change being made in the postal rates on periodicals and magazines, which was ordered to lie on the table.

He also presented memorials of Charles Ellis, of Columbia; K. H. Morgan, of Greenville; Rogers, McCabe & Co., of Charleston; W. E. Smith, of Columbia; the Camperdown Mills, of Greenville; the People's Bank of Greenville; the Fountain Inn Manufacturing Co.; the Simpsonville Cotton Mills, of Greenville; of Wade Stackhouse, of Dillon; of C. S. Webb, of Greenville; of S. M. Jones & Co., of Chester; O'Donnell & Co., of Sumter; and of the Woodside Cotton Mills, of Greenville, all in the State of South Carolina, remonstrating against the passage of the so-called Scott anti-option bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

Mr. PAYNTER presented the petition of Mary E. Goodwin, of Maysville, Ky., praying that she be granted a pension, which was referred to the Committee on Pensions.

Mr. KEAN presented memorials of sundry citizens of Morristown, Elizabeth, Orange, and Millburn, all in the State of New Jersey, remonstrating against the passage of the so-called Scott anti-option bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented the petition of Joseph D. Holmes, of Orange, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Business League of Atlantic City, N. J., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens and business firms of Jersey City, Orange, East Orange, Riverton, New Brunswick, Bloomfield, Boonton, Hasbrouck Heights, and Paterson, all in the State of New Jersey, and of sundry citizens of New York City, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. SHIVELY presented telegrams in the nature of memorials from the American Metal Co., of Indianapolis; the Indianapolis Saddlery, of Indianapolis; the Mooney-Meuller Drug Co., of Indianapolis; the Trotter Henry Co., of Indianapolis; the

American Valve Co., of Indianapolis; of G. A. Schnull, of Indianapolis; the Standard Metal Co., of Indianapolis; of James H. Ross & Co., of Indianapolis; the Havens & Geddes Co., of Indianapolis; the Indianapolis Book & Stationery Co., of Indianapolis; of William Fogarty, of Indianapolis; the Apperson Bros. Auto Co., of Kokomo; of Ekin Wallick, of Indianapolis; of Juliett V. Strouse, of Terre Haute; of J. A. Everitt, editor Up-to-date Farmer, of Indianapolis; of Ed. Norris, treasurer Tribe of Ben Hur, of Indianapolis; of the Climax Coffee & Baking Powder Co., of Indianapolis; the National Press Association, of Indianapolis; the Adsell League, of South Bend; of A. M. Reed, of Muncie; of the Crawfordsville Typographical Union, of Crawfordsville, all in the State of Indiana; of Leo Rae Axtell, of New Orleans, La.; of the Priscilla Publishing Co., of Boston, Mass., and of Norman E. Mack, of Buffalo, N. Y., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented memorials of the Sparks Milling Co., of Terre Haute; F. A. Mosher & Co., of Terre Haute; Otterbein Grain Co., of Otterbein; and W. H. Evans & Sons, of Otterbein, all in the State of Indiana, remonstrating against the passage of the so-called Scott anti-option bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Lake View Post, No. 276, Department of Indiana, Grand Army of the Republic, of Syracuse, Ind., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Stone Sawyers' Union, No. 12884, American Federation of Labor, of Bedford, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Porter Local Union No. 74, Farmers' Cooperative Educational Union, of Montgomery, Ind., and a petition of Thompson Local Union No. 147, Farmers' Cooperative Educational Union, of Alfordville, Ind., praying for the adoption of an amendment to the Constitution providing for the election of Senators by direct vote, which were ordered to lie on the table.

He also presented memorials of Lee B. Nusbaum, president of the Merchants' Association, of Richmond; of Charles W. Jordan, of Richmond; of the Havens & Geddes Co., of Indianapolis; of the Hinkle Shoe Co., of Evansville; of the Jones Hardware Co., of Richmond; of the Indiana Retail Hardware Association, of Richmond, all in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of Washington Camp No. 60, Patriotic Order Sons of America, of Boonsboro; of Banner Council, Junior Order United American Mechanics, of Keedysville; and of Local Council, Junior Order United American Mechanics, of Chester, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WARREN. I present resolutions adopted by the executive committee of the Home Market Club, of Boston, Mass., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

HOME MARKET CLUB OPPOSED—ASKS DEFEAT OF RECIPROCITY AS "PERIL TO INDUSTRIES."

"In behalf of our imperiled industries," the executive committee of the Home Market Club yesterday adopted a resolution asking "our Senators in Congress" to do what they can to prevent the ratification of the proposed reciprocity agreement between the United States and Canada.

The resolutions, which were, it is announced, unanimously adopted, are as follows:

"Resolved, That in behalf of our imperiled industries the executive committee of the Home Market Club, after consulting many members, respectfully asks our Senators in Congress to do what they can to prevent the ratification of the Canadian compact at this session, in order that the people of the three countries most concerned may have more time to study the many questions involved.

"Resolved, That while mutual benefits may be possible under some reciprocal trade arrangement with Canada, the more the pending compact is studied the more difficult it is to approve it as a whole. It seems to us contrary to the protective principle, which should treat all sections, all interests, and all countries alike. It not only discriminates against our farmers, fishermen, lumbermen, pulp and paper makers, and some other industries, but it is accompanied by intimation that further reductions are contemplated. It is not likely to reduce the cost of living, because the Canadians and the middlemen will advance prices according to their enlarged opportunity. It will provoke international jealousies, and probably cause demands for equal concessions under the 'most-favored-nation' clause in our commercial treaties.

"Resolved, That with due respect for the rights and powers of the executive in negotiating treaties, and with high respect for President

Taft personally, we yet think that a fiscal and trade arrangement of such a sweeping character as this, which is not a treaty, should have first received the joint consideration of the tariff committees of Congress.

Resolved, That we think it is a mistake to base a change of this character upon the assumption that the conditions and costs of production are so nearly alike in the two countries that no serious dislocation can result from it, for it is in evidence that in some competing sections the value of land, the cost of fertilizers, the expense of ship-building, and the wages of labor are from one-quarter to one-third lower in Canada than in this country.

Resolved, That while it was to be expected that commercial bodies, transportation companies, and 'tariff-reform' legislatures would favor the agreement, there is no warrant for believing that the American people are desirous of abandoning the policy of protection, or of making so large an invasion upon it as this agreement involves, and we believe that every protectionist should resist the encroachment as a menace to the best interests of his country.

Resolved, That we entertain such friendship for our Canadian neighbors that we greatly rejoice over their prosperity under protection, but if we are to give them the benefit of our great market without a fair equivalent in exchange, the British preferential, which has not been reciprocated by the United Kingdom, should, in fairness to the United States, be discontinued."

Mr. WARREN presented the memorials of Henry Deck, of New York City, and of Arthur S. Michel, of Brooklyn, and of the Leader Printing Co., of New York City, all in the State of New York, remonstrating against any change being made in the rates of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of the De Laval Separator Co., of New York City, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. FRYE presented a memorial of Local Grange No. 99, Patrons of Husbandry, of Leeds, Me., and a memorial of North Haven Grange, Patrons of Husbandry, of North Haven, Me., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to which were referred certain telegrams and memorials relating to the ratification of the proposed reciprocal agreement between the United States and Canada, to ask that the committee be discharged from their further consideration, and that they be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, the Committee on Foreign Relations will be discharged and the papers will be referred to the Committee on Finance.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (H. R. 16268) for the relief of Thomas Seals, reported it with an amendment and submitted a report (No. 1169) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to which was referred the bill (S. 10559) to designate St. Andrew, Fla., as a subport of entry, reported it without amendment and submitted a report (No. 1166) thereon.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 32128) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1170) thereon.

He also, from the same committee, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1167), accompanied by a bill (S. 10817) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

- S. 3968. Charles B. Flynn.
- S. 6710. George N. Holden.
- S. 8616. Humphrey L. Carter.
- S. 8833. John Kenney.
- S. 9151. Duncan A. Gray.
- S. 9868. William P. Armstrong.
- S. 10043. Christopher J. Rollis.
- S. 10137. Samuel S. Householder.
- S. 10285. Jesse P. Steele.
- S. 10343. Lillian A. Wilmot.
- S. 10403. George E. Seneff.
- S. 10480. William L. Parks.
- S. 10588. John A. West.
- S. 10686. Jen Rody Chauncey.
- S. 10708. Gilford Ratliff.
- S. 10709. Polk R. Kyle.
- S. 10814. John D. Smith.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 2737) authorizing the purchase of 13 historical paintings, submitted an adverse report (No. 1171) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 15566) for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Co., and D. L. Boyd, reported it without amendment and submitted a report (No. 1173) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1168), accompanied by a bill (S. 10818) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to the committee:

- S. 49. James R. Vassar.
- S. 150. Charles L. Randall.
- S. 361. Amos Stewart.
- S. 689. Armstead Fletcher.
- S. 1431. George W. Spray.
- S. 2463. David C. Nigh.
- S. 2532. Josephus Clark.
- S. 2770. Charles Maxwell Waterman.
- S. 3883. Eli F. Holland.
- S. 4168. David E. Fisher.
- S. 4177. George F. Woods.
- S. 4469. Olive C. Dodge.
- S. 4543. William Carpenter.
- S. 4643. Elvira E. Chase.
- S. 4883. Joseph D. Power.
- S. 4979. Lydia J. Taylor.
- S. 4994. George H. Wallace.
- S. 5209. Richard M. Capen.
- S. 5231. John D. Trevallee.
- S. 5241. Margaret H. Flint.
- S. 5347. Francis M. Webb.
- S. 5590. George F. Cooper.
- S. 5772. Anton Zwinge.
- S. 6025. James W. Ward.
- S. 7079. Frank W. Sencebaugh.
- S. 7214. William N. Johnson.
- S. 7236. Thomas H. Morris.
- S. 7345. William C. Knox.
- S. 7391. Elijah C. Davey.
- S. 7439. Robert H. Johnson.
- S. 7581. James W. Broom.
- S. 7613. Annie G. Long.
- S. 7754. George W. Rauch.
- S. 7881. Alfred Anderson.
- S. 7979. John H. Iott.
- S. 8012. Francis M. Ross.
- S. 8034. General L. Boso.
- S. 8078. Harvey W. Hewitt.
- S. 8079. Francis M. Truax.
- S. 8204. Patrick H. Conarty.
- S. 8212. Patrick J. Conway.
- S. 8271. John Richardson.
- S. 8288. Joseph M. Alexander.
- S. 8291. John E. Moon.
- S. 8350. David Riel.
- S. 8372. William H. Meece.
- S. 8374. Chesley Payne.
- S. 8377. Elizabeth Lucas.
- S. 8378. Robert Bell.
- S. 8420. Joseph Hiler.
- S. 8441. Andrew Pea.
- S. 8448. Oliver Yake.
- S. 8476. Charles Nobles.
- S. 8495. Stephen E. Taylor.
- S. 8496. Benjamin F. Johnston.
- S. 8497. Freeborn H. Price.
- S. 8552. Charles H. Lamphier.
- S. 8597. Patrick O'Brien.
- S. 8675. Malinda Wilson.
- S. 8731. Fannie Ladd.
- S. 8817. Edward Tipples.
- S. 8818. Kinsman Boso.
- S. 8836. William Burris.
- S. 8855. Charles C. Edwards.
- S. 8856. Ellen M. Corsa.
- S. 8858. Alexander McDonald.
- S. 8859. Isaac N. Dysard.
- S. 8866. William H. Hills.

S. 8889. Ira A. Kneeland.
 S. 8893. Fernando S. Philbrick.
 S. 8897. Chandler Swift.
 S. 8925. Pleasant H. Latimer.
 S. 8926. John Bigley.
 S. 8975. William H. Gosset.
 S. 8977. Thomas Murray.
 S. 9022. William Swinburn.
 S. 9209. Morris Thomas.
 S. 9210. Gullien Tullion.
 S. 9217. Samuel A. Trower.
 S. 9257. Winfield S. Janes.
 S. 9261. William H. Fields.
 S. 9265. Solomon Peck.
 S. 9284. Frank J. Clark.
 S. 9293. Benjamin Bortz.
 S. 9294. Cyrus Wilson.
 S. 9350. Perkins H. Bagley, jr.
 S. 9414. Alfred L. Tucker.
 S. 9444. Francis J. Trower.
 S. 9458. Melissa J. Kauffman.
 S. 9545. Lewis H. Sherry.
 S. 9548. Andrew Marsh.
 S. 9562. William W. Fraser.
 S. 9564. Joseph C. Monk.
 S. 9567. Eli N. Swerdfeger.
 S. 9593. David H. Frink.
 S. 9609. Eli Adams.
 S. 9612. Benjamin F. Fulton.
 S. 9628. Frederick Shulley.
 S. 9631. David Stanard.
 S. 9680. Daniel Youmker.
 S. 9696. Benjamin Bennett.
 S. 9700. Margaret J. Brownell.
 S. 9703. T. Price Line.
 S. 9704. Rose E. White.
 S. 9735. John Hines.
 S. 9741. Austin Betters.
 S. 9752. Thomas Posey.
 S. 9753. Henry McBrien.
 S. 9792. Arthur W. Cox.
 S. 9820. William H. H. Ranger.
 S. 9861. James M. Chambers.
 S. 9867. Mary C. Galbraith.
 S. 9937. Wright T. Ellison.
 S. 9939. Benjamin T. Stevens.
 S. 10004. Richard Dent.
 S. 10042. John Rose.
 S. 10047. Mark Smith.
 S. 10060. William B. Knapp.
 S. 10062. Mary P. Meade.
 S. 10064. William W. Edwards.
 S. 10142. Essie Pursel.
 S. 10150. Andrew Schoonmaker.
 S. 10195. Jacob Mathews.
 S. 10199. George W. Fouts.
 S. 10222. George W. McAllister.
 S. 10237. Charles H. McCarroll.
 S. 10303. Edward J. Miller.
 S. 10306. John M. Staples.
 S. 10335. Harry G. Bingner.
 S. 10340. Theodore Clark.
 S. 10360. Michael Wiar.
 S. 10393. William McGlone.
 S. 10459. Alexander Wilson.
 S. 10460. Calvin Buntan.
 S. 10501. Lucia W. Huxford.
 S. 10504. James Doyle.
 S. 10511. Charles O. Chapman.
 S. 10515. John S. Cilley.
 S. 10587. James H. Thompson.
 S. 10615. Benjamin F. B. Holmes.
 S. 10639. Ida M. Elder.
 S. 10645. Thomas Loughney.
 S. 10650. William U. Thayer.
 S. 10652. John Walsh.
 S. 10654. Marcellus E. McKellup.
 S. 10655. George T. Kerans.
 S. 10656. Byron Rudy.
 S. 10659. William A. Leech.
 S. 10673. Anna H. Fitch.
 S. 10674. Andrew J. Fogg.
 S. 10689. Otis Johnson.
 S. 10697. Joseph P. Pittman.
 S. 10698. Henry G. Tuttle.

S. 10717. William Hise.

S. 10729. James H. Morley.

S. 10776. Frank N. Jameison.

S. 10797. Edward J. Moss.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 5541) granting a pension to Margaret Gately, submitted an adverse report (No. 1174) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 10707) to consolidate certain forest lands in the Kansas National Forest, reported it with amendments and submitted a report (No. 1175) thereon.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, to which was referred the bill (S. 6119) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported it with an amendment and submitted a report (No. 1176) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 10770) fixing the rank of military attachés, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. SMITH of Maryland, from the Committee on Naval Affairs, to which was referred the bill (H. R. 24145) for the establishment of marine schools, and for other purposes, reported it with an amendment and submitted a report (No. 1178) thereon.

Mr. FLINT, from the Committee on Public Lands, to which was referred the bill (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest, reported it with amendments and submitted a report (No. 1179) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the amendment submitted by himself on the 15th instant, relative to the construction of two revenue cutters authorized by the act approved April 21, 1910, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

NIORARA RIVER DAM, NEBRASKA.

Mr. BROWN. From the Committee on Military Affairs, I report back favorably without amendment the bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation, and I submit a report (No. 1162) thereon. The bill relates alone to the extension of time originally fixed in an act passed by Congress five years. It is very short, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASE OF SENECA INDIAN LAND.

Mr. PAGE. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 31056) to ratify a certain lease with the Seneca Nation of Indians, and I submit a report (No. 1161) thereon. It is a bill which will require no debate and its passage is very important. I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It ratifies and confirms a lease bearing date August 10, 1910, between the Seneca Nation of Indians on the Cattaraugus and Allegany Reservations, in the State of New York, and Edward Bolard, of Cattaraugus County, N. Y.; but the lessee or his assigns shall file a bond for the benefit of the lessor in the sum of \$25,000 for the faithful performance of

the terms of said lease, to be approved by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND AT OMAK, WASH.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 10756) granting public lands to the town of Omak, State of Washington, for public-park purposes, and I submit a report (No. 1164) thereon. The bill simply authorizes the town of Omak to buy a little less than 30 acres for public-park purposes. I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It grants and conveys, for public-park purposes, to the town of Omak, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All of Government lot No. 3, section 25; and all of Government lot No. 4, section 26, both lying in township 34 north, and range 26 east of Willamette meridian, and containing 29.12 acres, more or less.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT TRINIDAD, COLO.

Mr. THORNTON. From the Committee on Public Lands I report back favorably with amendments the bill (S. 10591) to grant certain lands to the city of Trinidad, Colo., and I submit a report (No. 1163) thereon. The bill is recommended by the department and the right of the Government has been safeguarded. It seems that this city is in the semiarid region of Colorado, and it is very necessary that it should get this land as soon as possible on account of its water supply. Under the circumstances, I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 7, before the word "acres," to strike out "one hundred and sixty" and insert "forty;" in line 13, after the word "use," to strike out the words "and behoof forever;" on page 2, line 12, after the words "United States," to insert the following proviso: "*And provided, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted, and all necessary use of the lands for extracting the same;*" and in line 12, after the words "*And provided,*" to insert the word "*further,*" so as to make the bill read:

*Be it enacted, etc., That the following-described lands, situate in Las Animas County, Colo., namely: The southwest quarter of the northeast quarter of section 19, in township 32 south, range 68 west of the sixth principal meridian, containing 40 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Trinidad, in the county of Las Animas and State of Colorado, upon the payment of \$1.25 per acre by said city to the United States. The above lands are granted and conveyed to the city of Trinidad, to have and hold for its separate use for purposes of water storage and protection of water supply; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises, and to protect its water supply from pollution and otherwise: *Provided, however, That the grant hereby made is and the patent issued hereunder shall be subject to all legal rights heretofore acquired by any persons or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States: And provided, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: And provided further, That the lands hereby authorized to be purchased, as hereinbefore set forth, and all portions thereof shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.**

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE INDIAN LANDS.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, and I submit a report (No. 1172) thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. I should like to ask the Senator from Oklahoma two or three questions.

Mr. OWEN. Mr. President, I ask that the report of the Secretary of the Interior be read. It is a very short explanatory account of the bill.

Mr. KEAN. I understand that this bill does not increase the enrollment of the Osage Nation.

Mr. OWEN. No.

Mr. KEAN. That it is only to allow them to allot their lands, and that it is recommended by the Secretary of the Interior.

Mr. OWEN. It is.

Mr. KEAN. And it is thought to be very necessary.

Mr. OWEN. Yes, sir.

Mr. KEAN. And it is also approved by the Osage Tribe of Indians.

Mr. OWEN. Yes, sir.

Mr. DAVIS. Mr. President, I object.

The PRESIDENT pro tempore. Objection being made, the bill goes to the calendar.

Mr. OWEN. Mr. President, notwithstanding the objection of the Senator from Arkansas, I move that the Senate proceed to the consideration of the bill. It is a departmental bill, and I ask that the report of the Secretary of the Interior be read in regard to it.

Mr. GALLINGER. Has the bill been reported to-day, Mr. President?

The PRESIDENT pro tempore. The bill has been reported to-day, and the Chair does not think the motion of the Senator from Oklahoma is in order.

Mr. GALLINGER. Under the rule the bill must go over one day, if objected to.

Mr. OWEN. Then I ask that the bill lie on the table until to-morrow.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that the bill lie on the table until to-morrow. Is there objection?

Mr. DAVIS. I object.

The PRESIDENT pro tempore. The Senator from Arkansas objects. The bill will go to the calendar.

ST. ANDREW (FLA.) SUBPORT OF ENTRY.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 10559) to designate St. Andrew, Fla., as a subport of entry, which was reported favorably this morning from the Committee on Commerce by the Senator from Michigan [Mr. SMITH].

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of the bill—

Mr. CRAWFORD. Mr. President, I object. I think some of the Senators who are waiting here to make reports and then to attend to other matters ought not to be subjected to waiting for the consideration of every bill which is reported.

Mr. TALIAFERRO. This bill will not take two minutes. It is a very short bill.

Mr. CRAWFORD. I would gladly yield to the Senator from Florida, but this has been going on here for a half hour or more. I have simply been waiting for an opportunity to present a report, so that I can leave the Chamber, to attend to another matter.

Mr. TALIAFERRO. I withdraw the request, Mr. President, until the Senator from South Dakota has had an opportunity to make his report.

Mr. TALIAFERRO subsequently said: Mr. President, I renew the request for the consideration of the bill (S. 10559) to designate St. Andrew, Fla., as a subport of entry.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of a bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to make St. Andrew, in the State of Florida, a subport of entry in the district of Pensacola, and provides that the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at that subport, with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as, in his judgment, the interest of commerce may require, and that the officers shall receive such compensation as he may allow.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS ON DAUPHIN ISLAND, ALA.

Mr. JOHNSTON. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., and I submit a report (No. 1165) thereon. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to sell so much or such parts of that certain tract of land condemned and held by the United States, and situated on Dauphin Island, in Mobile County, Ala., being a tract of 900 acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes, for such consideration or upon such terms as he may find reasonable, not less than the original cost, and to execute deeds therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 10819) providing for the refund of certain duties incorrectly collected on cutch; to the Committee on Finance.

A bill (S. 10820) granting a pension to Pierce O'Connell (with an accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10821) granting an increase of pension to Chastina E. Hawley; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

A bill (S. 10823) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co.; to the Committee on Commerce.

By Mr. SCOTT:

A bill (S. 10824) granting an increase of pension to Benjamin F. Reed (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 10825) granting an increase of pension to John Thompson; to the Committee on Pensions.

By Mr. RAYNER (by request):

A bill (S. 10826) for the relief of the legal representatives of George Neitzey, deceased, surviving partner of Neitzey & Acker; to the Committee on Claims.

By Mr. GORE:

A bill (S. 10827) to appropriate the sum of \$100,000 for the drilling of experimental artesian wells; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CRANE:

A bill (S. 10828) for the relief of S. and W. Welsh and others; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 10829) providing for the payment of the claims of the Shawnee and Delaware Indians;

A bill (S. 10830) providing payment of the claims of the Pawnee Tribe of Indians against the United States; and

A bill (S. 10831) providing for the payment of the claims for equalization of Creek allotments; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 10832) for the relief of A. M. Williams, jr., administrator of Edward Cleve; to the Committee on Claims.

By Mr. GORE:

A bill (S. 10833) granting an increase of pension to Albert J. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 10834) for the relief of Fred Stitzel, surviving partner of the firm of Stitzel Bros.; and

A bill (S. 10835) for the relief of the estate of William W. Parrish, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 10836) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River; to the Committee on Commerce.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 144) authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to increase the appropriation for the erection and completion of the post-office and customhouse building at Wilmington, N. C., to the amount of \$200,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. WARREN submitted an amendment relative to the conveyance by the United States to the Government of Porto Rico of all the rights and title to the buildings and grounds of the insane asylum, known as the "Beneficencia Building," and the buildings and grounds known as the "San Juan Military Hospital," in San Juan, P. R., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—A. J. G. KANE.

On motion of Mr. DEPEW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying Senate bill 6651, Sixty-first Congress, to correct the military record of A. J. G. Kane, there having been no adverse report thereon.

POSTAGE ON PERIODICALS.

Mr. PENROSE submitted the following resolution (S. Res. 351), which was referred to the Committee on Printing:

Resolved, That there be printed 25,000 copies of Senate Document No. 820, Sixty-first Congress, third session, "Letters from the Postmaster General to Hon. BOIES PENROSE relative to the section of the postal appropriation bill that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter," for the use of the Committee on Post Offices and Post Roads.

IMPROVEMENT OF THE ANACOSTIA FLATS.

Mr. GALLINGER. Mr. President, I have a letter from the Commissioners of the District of Columbia, transmitting the second report of Mr. Hugh T. Taggart, special counsel, on the ownership of lands and riparian rights along the Anacostia River, in the District of Columbia. Mr. Taggart made a former report, which was printed as a Senate document. I move that the letter and report be referred to the Committee on Printing, with the view to having them printed as a Senate document. I submit the following resolution, which I ask may be read and referred to the Committee on Printing:

There being no objection, the resolution (S. Res. 350) was read and referred to the Committee on Printing, as follows:

Resolved, That the letter from the Commissioners of the District of Columbia transmitting the second report of Mr. Hugh T. Taggart, special counsel, on the ownership of lands and riparian rights along the Anacostia River in the District of Columbia, be printed with accompanying illustrations as a document.

STOREKEEPERS AND GAUGERS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases to \$2 a day, and for other purposes, which was, in line 4 of the amendment, after the words "compensation is," to insert "now."

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LUMBER INDUSTRY OF THE UNITED STATES.

Mr. SMOOT. On February 14 the President sent a message to the Senate transmitting a report of the Commissioner of Corporations on the lumber industry of the United States, and it was ordered to be printed as a public document. I find in that report three illustrations. I ask the Senate for authority to print the illustrations.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed with Senate Document No. 818, Sixty-first Congress, third session, "Message from the President of the United States transmitting in response to Senate resolution of January 18, 1907, Part I, of a summary report of the Commissioner of Corporations, on the lumber industry of the United States," the illustrations accompanying the same.

TELEPOST CO.

Mr. GALLINGER. Mr. President, some weeks ago, at the request of the senior Senator from Connecticut [Mr. BULKELEY], I asked that the bill (H. R. 19402) to enable the Telepost Co.

to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system, be placed on the calendar under Rule IX. The Senator from Kentucky [Mr. PAYNTER] was not present on that day. He made the report on the bill, and he feels that it ought to go back under Rule VIII. I make the request that it be placed at the bottom of the first page of the calendar under Rule VII.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire, and it will be agreed to.

RIGHTS OF THE SENATE.

Mr. HEYBURN. Mr. President, I rise to a question of privilege. I send to the Secretary's desk a paper with a marked article to which I desire to call the attention of the Senate. It is one that reflects upon the integrity and the character of the Senate, and imputes to it motives irreconcilable with honor and dignity.

The PRESIDENT pro tempore. If there be no objection the Secretary will read as requested.

The Secretary read from the Washington Post of Thursday, February 16, 1911, as follows:

Taft can pass pact—SENATE WILL ACT ON RECIPROCITY IF PRESIDENT INSISTS—IN FEAR OF EXTRA SESSION—REPUBLICAN LEADERS BELIEVE PRESIDENT IN POSITION TO FORCE ACTION ON AGREEMENT—CONFERS WITH CRANE AT WHITE HOUSE—MAY PICK LODGE TO CONDUCT CAMPAIGN—BURTON TELLS OF MEASURE.

The Canadian reciprocity agreement was received in the Senate yesterday in the ordinary course of business without demonstration and was formally referred to the Committee on Finance, where it will be given consideration and eventually reported back for final action. What its fate will be is problematical. The most determined standpatters freely admit there will be a majority for the agreement if a vote is reached. In the judgment of Senators who have participated in many a long-fought and hotly contested legislative battle there is but one way in which to bring this agreement to a vote.

The President can compel action if he deems it of sufficient importance to crack the whip. If the President lets the Senate know, not by intimation or suggestion, but in language so plain that the most unwilling listener must interpret his message to mean an extraordinary session if the Senate fails to act, there will be a vote. If the President declines to go to that extreme, the agreement will never get further along its legislative road than the calendar.

Left in this fashion as a discredited heritage to the next Congress, the whole battle will have to be fought over again or reciprocity laid aside for general revision of the tariff in accordance with Democratic ideas as to what constitutes revision.

Mr. HEYBURN. Mr. President, the Senate can not pass this over without some attention, unless it has so completely lost its self-respect as to be not entitled to the respect of any other person. A charge that any Member of this body is to be influenced by the crack of the whip of anybody else is a charge of cowardice which would not be received without resentment by anyone but a coward. To charge that a coordinate branch of this Government can compel another of the coordinate branches to act other than in pursuance of its judgment and conscientious duty under oath is to charge that body with corruption. They charge corruption against the coordinate body that would attempt to influence it, and they charge cowardice and corruption against the body that would be influenced by it. Are we going to sit here in silence under such charges? There is no party politics in a matter of this kind; it is one that goes to the question of the honor and the dignity of this body and of every Member of it. That it shall be stated in the public press, that sits and walks upon the floor of this Chamber by the courtesy of the Senate, that the Senate is venal and cowardly, is a thought intolerable to be contemplated. So long as the Senate retains its self-respect and its claim to the high position that it does hold in the Government of the United States and among the nations of the earth, if it fails to resent a statement of this kind made by somebody who is enjoying the courtesy of the Senate, then it will be entitled to just so much respect as is given it by those who are responsible for such statements.

I have heard it charged within a few days on another occasion that the pressure of the White House would be sufficient to swerve men in this body from the performance of their duty under their oaths. I heard it stated and saw it printed that the threat that Members of this body might be called upon for a further consideration of the measures before them in an extra session would be sufficient to make them retreat from their conscience; stamp themselves before the world as without a conscience. For that purpose I have called the attention of the Senate to this publication in order that it may not go unnoticed; that we are being charged by those who are the recipients of courtesy and favor at our hands with crimes that are blacker than those that occupy the attention of the criminal courts of the land.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I ask for the consideration of the special order.

The PRESIDENT pro tempore. The Senator from New York asks that the Senate proceed to the consideration of the special order, the title of which will be stated.

The SECRETARY. A bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary proceeded to read the bill, and read to the end of section 5.

Mr. ROOT. I rise to inquire whether the reading of the bill is under such circumstances that there is assumed to be an assent by the Senate to the portions that are read as we go along.

The PRESIDENT pro tempore. Not at all. The bill will be open to action as in the Committee of the Whole.

Mr. ROOT. I do not wish to interfere at all with the progress of the bill, but lest it might happen that the sixth section of the bill should come up while I am out of the Chamber I wish now to say that I object to it, and that I shall ask the Senate to give it the most serious consideration upon its merits before it is passed upon.

Mr. FLETCHER. What section is that?

Mr. ROOT. It is the sixth section, which confers citizenship upon the people of Porto Rico.

The Secretary resumed and concluded the reading of the bill.

Mr. CLARKE of Arkansas. The pending bill is one of some importance, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|--------------|------------|------------|--------------|
| Bankhead | Crane | Johnston | Root |
| Borah | Crawford | Jones | Scott |
| Bourne | Culberson | Kean | Shively |
| Bradley | Cullom | Lodge | Simmons |
| Briggs | Cummins | McCumber | Smith, Mich. |
| Bristow | Davis | Nelson | Smith, S. C. |
| Brown | Depew | Nixon | Smoot |
| Bulkeley | Dillingham | Oliver | Stephenson |
| Burkett | Fletcher | Owen | Sutherland |
| Burnham | Flint | Page | Warner |
| Burrows | Frazier | Paynter | Warren |
| Burton | Frye | Penrose | Watson |
| Carter | Gallinger | Percy | Wetmore |
| Chamberlain | Gamble | Perkins | Young |
| Clapp | Gronna | Piles | |
| Clark, Wyo. | Guggenheim | Rayner | |
| Clarke, Ark. | Heyburn | Richardson | |

The PRESIDENT pro tempore. Sixty-five Senators have responded to their names. There is a quorum present.

Mr. DEPEW. Mr. President, the unfinished business will be in order in about a minute, and I therefore ask unanimous consent that this bill, having been read through, be taken up to-morrow morning immediately after the routine business.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the Porto Rican government bill immediately after the completion of morning business to-morrow.

Mr. KEAN. Not to interfere with appropriation bills.

The PRESIDENT pro tempore. Not to interfere with appropriation bills.

Mr. SMOOT. Or the unfinished business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York?

Mr. SCOTT. I will say to the Senator from New York that I am sorry to object, but I want to get the pension bill up, and I shall insist to-morrow morning, if the opportunity presents itself, upon its being taken up in lieu of the bill for Porto Rico. Consequently I shall have to object.

Mr. DEPEW. Objection having been made to to-morrow morning, I make the same request for Saturday morning.

Mr. OWEN. I object.

The PRESIDENT pro tempore. The Senator makes the same request for the Porto Rican bill for Saturday morning. Is there objection?

Mr. SCOTT. I shall have to object to that as I did to the other, unless I can get the consideration of the pension bill. We have only two weeks left of the session, and that is an important bill to a great number of people. While I dislike very much to object to the request of many friends, the Senator from New York, I do not want anything to interfere to prevent getting that bill up.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the calendar.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 134.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. Mr. President, I ask the indulgence of the Senate while I discuss for a time, as briefly as I may, the amendment offered by the Senator from Utah [Mr. SUTHERLAND]. I have spoken before upon the general proposition which is involved in the amendment proposed by the committee, and I shall not again ask the patience of the Senate to discuss the general proposition. I feel compelled to discuss the amendment offered by the Senator from Utah, first, because as yet nothing has been said as to why the joint resolution has been offered in its present form by those who brought in the report from the committee, and, secondly, because of some of the rather extraordinary statements which have been made as to the effect which will follow in case of the change proposed in Article I, section 4.

The proposed amendment to the Constitution as it was reported from the committee was not new or original with the Judiciary Committee. Those who were authorized to report a resolution of some form made considerable investigation as to the different resolutions and the forms which they have taken in the last 30 or 40 years during the time that this matter has so often been before Congress. Among other resolutions covering the general subject matter was the resolution in exact word and phrase as it was reported from the committee. It passed the House by a two-thirds vote in 1892 or 1893, and it seemed to incorporate the views of the friends of the resolution generally, although there have been differences of opinion as to details at all times, as there naturally would be as to a resolution of this kind.

I desire to say in all frankness that for myself I think that the States can best do everything which the National Government can do under Article I, section 4, other than those things which the National Government can do without Article I, section 4. If those who are opposing this amendment in its present form and supporting the proposed amendment of the Senator from Utah could show to those who are favoring it that it would have the effect which has in general terms been claimed, I doubt if it would have any support upon either side of this Chamber. But, as a matter of fact, the things which the Government may do without section 4, as has been determined by the court, is practically what it may do with section 4, with certain exceptions, which I will call attention to in a few moments.

I believe that a popular election is essentially a matter of local concern, and is one of those things which the State can best control and direct. I think that it is at all times our duty to retain to the States those matters which are essentially local and to give to the National Government those things alone which are essentially national in their scope and purpose. An election, a popular election in particular, is always a matter of local concern—the manner in which it shall be held, those who may participate in it, and the method of securing and ascertaining the result.

Very few States in the Union have election laws in all particulars similar. Indeed, there have been conditions in many States, outside of the South, where it would have been most unfortunate if any national interference had been had on the part of the National Government. Maine has her election laws as they have been worked out through the experience of her people through a hundred years; Wisconsin and Oregon and the other States have their election laws comporting and conforming to their idea of conducting a popular election; and the States in other parts of the Union have worked out, according to their experience and their wisdom, a system and a method of conducting their elections which best represent the judgment and the wisdom of the people of those particular States. They are as diversified and as well individualized as the different States of the Union themselves. It is, therefore, a matter of local concern essentially pertaining to the States as to how they shall best take and measure the judgment of their people at the polls.

In readjusting our form of government to the conditions which grow up from decade to decade and century to century we should always keep in mind the principle upon which the fathers constructed the Government, and that is, that those things which are essentially local should be left to the States,

and those things which are national should be given over to the National Government.

Mr. Lincoln in a very notable address upon one occasion said:

To maintain inviolate the rights of the States to order and control under the Constitution their own affairs by their own judgment exclusively is essential for the preservation of that balance of power on which our institutions rest.

We have not hesitated in the last 40 years to transfer powers theretofore belonging exclusively to the States to the National Government. I do not find fault with that proposition so long as those powers transferred are in their nature national and essentially of the scope of the entire country. But as this method proceeds and gradually gathers up and draws to the National Government those things which are national, if we would keep that balance of power so essential to our form of government, it is for us to see that those things which are essentially local shall also be retained to the State.

Justice Harlan, a great jurist and a great patriot, in an address delivered in New York some time ago said:

A national government for national affairs and a State government for State affairs is the foundation rock upon which our institutions rest, and any serious departure from that principle would bring disaster upon the American system of free government.

A distinguished lawyer in New York, Mr. John R. Dos Passos, has, within the last few weeks, written an article upon this particular subject of the election of Senators by a direct vote, and while I do not agree with the brilliant author in all his conclusions, I want to read a paragraph from this notable address:

The more we encroach upon State sovereignty the more the trend toward nationalism becomes visible, to the consequent destruction of our theory of a federation of States, and the advantages of that form of government are gradually lost sight of. The States bear the same relation to the central Government that a domestic family bear to a municipality. The family looks after its own particular foyer in its own way—it eats, drinks, lives according to its own conceptions of health and propriety, without interference by the municipality. The latter supervises the public concerns, the highways, the streets, the schools; it intrudes not into the domestic affairs of its citizens. The same relation should exist in practice as it does in theory between each individual State and the central Government. In the performance of its State duties it has no superior; its citizens understand its wants; they are alive to its interests and their State pride makes them ambitious to see their State thrive and advance. But in proportion to the weakening of State sovereignty the interests of its citizens wane, and soon State independence and individuality disappear, all power becomes vested in a central Government, the domestic interest of the citizen in his State eventually dies, and the people are governed by a national head.

I do not know how we are to keep alive that civic pride and that civic energy—that interest which all citizens should have in the great affairs of which each is a component part—if we take from them those responsibilities which should rest upon them in the discharge of those duties that pertain to matters essentially local. If there is any one proposition which may be said in every sense to be a local matter of State concern, individualized by the people, it is the manner of conducting a popular election. Mr. President, after the people have ceased to have the intelligence and the patriotism and the pride to conduct a popular election in a proper way, protected from fraud and corruption and dishonesty, how long will the National Government operate at Washington?

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Does the Senator from Idaho think that the election of a Senator of the United States in a State is purely a matter of local concern to the State which elects him?

Mr. BORAH. Not purely, but primarily. But the manner of conducting it is essentially a matter of local concern.

Mr. SUTHERLAND. Does the Senator not concede that the Federal Government is concerned in that as well as the State?

Mr. BORAH. Just as the Federal Government is concerned, in the welfare and in the proper performance of the functions of a citizen of a State in all respects. I think a particular State is far more interested in having Senators properly credited here than the General Government; we could proceed without a particular State being represented while the State would be wholly without representation.

Mr. SUTHERLAND. The Senator will concede, will he not, that the election of United States Senators is not only a matter of concern to the individual States which elect the individual Senator, but is also a matter of concern to the General Government?

Mr. BORAH. In the manner I have indicated.

Mr. SUTHERLAND. Then, upon what theory can the Senator insist that the authority to supervise those elections should be vested wholly in the hands of the State government, which

is partly concerned in the election, and that no power whatever should exist in the General Government, which is also partly interested in the election of Senators?

Mr. BORAH. I am proceeding to answer that question, because it is the question which is involved in the whole controversy. If the Senator will permit me to proceed and I do not cover the subject I shall be very glad to be interrupted after I have drawn toward the close.

Mr. SUTHERLAND. Will the Senator permit me, before he resumes, to submit another question, which he may consider in connection with it?

Mr. BORAH. Very well.

Mr. SUTHERLAND. Does the Senator think that the election of a President of the United States is purely a matter of local concern?

Mr. BORAH. Not purely so. Nevertheless, the manner of conducting it is, and the Constitution recognizes this fact by leaving it for the legislatures to control.

Mr. SUTHERLAND. And if not, does the Senator see any distinction between the election of a President of the United States in this regard and the election of those who constitute the Senate of the United States and the House of Representatives, and thereby constitute a coequal department of the Federal Government with the President?

Mr. BORAH. I will discuss that in a few moments; but I will say again that the Constitution of the United States provides that the manner of selecting electors is left to the States, and instead of the Senator's question directing the argument in his behalf it seems to me a very strong reason why the power which is intrusted to determine the manner of selecting electors may properly be trusted with the matter of selecting those who are elected to this body.

What confidence and what power do we repose in the State at this time with reference to the selection of Senators?

In the first place, the State determines, according to its judgment and its wisdom, who they will send to this body and what his qualifications shall be outside of the question of age, citizenship, and inhabitancy. We intrust to the State governments and the people within the States the sole power of judging what character and class of Representatives they shall present as their Members in this body, outside of the three limitations as to age, citizenship, and inhabitancy, all of which undoubtedly the State would have taken care of, with the possible exception that they might have had a variation as to age. Undoubtedly they would not have elected those who were not inhabitants of the State or citizens of this country.

Mr. HEYBURN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. Will the Senator permit an inquiry? I understood the Senator to say that the States might regulate the manner of the election of electors. Was I incorrect in my understanding?

Mr. BORAH. I will read what I had in mind:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

Mr. HEYBURN. That is only a part of the story. The provision goes on to define the character, qualifications, and the manner of selecting them. The general language contained in Article II, section 1, is not all of the provision. It says, "But no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector," and then goes on to say: "The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States." "The electors shall meet," and so forth. Congress has the absolute control. The general language which the Senator from Idaho read is scarcely to be considered as a part of the provision for the selection of electors.

Mr. BORAH. I have no doubt it is the view of my colleague that it ought not to be considered a part, but the process by which he eliminates it from the Constitution is not made plain. The Constitution provides that each State shall appoint in such manner as the legislature may direct. What does the word "manner" mean in Article I, section 4, and what does the word mean in Article II, section 1? It is true that as to the question of time it is reserved, but as to the manner of selecting it is left alone to the State legislatures. It has been held that a State legislature may direct that the electors in one part of the State may be appointed and in the other elected by popular vote. It is exclusively and absolutely in the control of the State legis-

lature. There is not any more doubt about that than there is that it is in the Constitution. The question of time, I grant you, is under the control of the National Government.

Mr. HEYBURN. Well, that is a part of it.

Mr. BORAH. But the question of time is not a question of the manner, and that is the point which I am now discussing.

Not only, Mr. President, does the State select and determine who shall represent this body but we have not the power to dictate to the State any other qualifications than those which the State sees fit to assign to its Representatives here. It was said by the Senator from New York [Mr. Root] a few days ago that if this section 4 were changed as it is proposed to be changed, we would be powerless to secure the election of Members of this body.

It would be interesting to know under what power of the Constitution we could control an election of Senators upon the part of a State, if the State did not see fit to exercise that privilege. As has been said by a writer well known to all upon the subject of the Constitution, the States might dissolve the National Government without revolution or rebellion simply by inaction in declining to elect Members to this Chamber. Under the great charter under which we live and have thrived we rest at last absolutely upon the patriotism and the judgment and the loyalty of the people of the respective States to send Members here and the class of men they send. We not only give them now the unqualified power to fix the qualifications, but it is for them to say, with no power upon our part to remedy it, whether they will send Representatives here at all. Yet there are those who consider it revolutionary, when the States are already intrusted with this great power, to give them the right to prescribe the manner in which they shall perform this important duty. The incident of the right, the appanage of the right, it is ruinous to take away, still leaving the great fundamental question of the selection of Senators to the people of the respective States.

I want to read here a quotation from a distinguished member of the Constitutional Convention of 1787. It is from the address of Mr. Wilson, of Pennsylvania, after he returned from the convention, in his explanation to the people of the State of Pennsylvania as to the work which they had performed. Mr. Wilson said:

Of late I viewed with silent pleasure and admiration the force and prevalence through the United States of this principle: That the supreme power resides in the people, and that they never part with it. It may be called the panacea in politics. There can be no disorder in the community but may here receive a radical cure. If the error be in the legislature, it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government if the people are not wanting to themselves. For a people wanting to themselves there is no remedy.

Mr. President, I ask attention to the last sentence, because there seems to be an idea that some mystic, necromantic power exists somewhere in the Government or in this Chamber to perform the functions of government after the people themselves have ceased to act in regard to it; after they have become corrupt and incompetent. It seems to be the opinion of some that after all living pride and all patriotism have departed from the people that still there would be left somewhere sufficient virtue to operate the Government successfully. The fountain never rises above its source, and the source of all power in State or National Government is the people. This is the sentence:

From their power, as we have seen, there is no appeal. To their error there is no superior principle of correction.

I presume if that were announced to-day by someone of the present age it would be criticized as the new doctrine of the "new charmers who keep serpents." But it comes from one of the most profound and widely read and thoroughly educated of the great men who constituted the convention. They had infinitely more confidence, evidently, in the judgment of the masses of the people, than those of to-day who stand with their face from the dawn discussing the past as a thing complete and closed—as a record finished and laid away.

It is true, Mr. President, that we should proceed with these amendments with caution, but we should not hesitate to do as they did, to deal with the questions which confront us with that intelligence and wisdom which God gives to each particular age, up through which moves the great leavening power of righteous progress.

Mr. President, the doctrine of Mr. Wilson still lives in the great State which he represented, and I desire to ask the Secretary to read a telegram which I received a few moments ago.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

HARRISBURG, PA., February 15.

Hon. WM. E. BORAH,
United States Senate, Washington, D. C.:

Pennsylvania State Grange, representing 60,000 organized farmers, pray for the passage of resolution for election of United States Senators by direct vote of the people.

WM. T. CREASY,
Master, Pennsylvania State Grange.

Mr. BORAH. Mr. President, the friends of the resolution for the election of Senators by popular vote have always found it very difficult to draw a resolution satisfactory to those who are opposed to it. It is not difficult to draw a resolution which satisfies those who are sincerely in favor of the election of Senators by popular vote, but it has always been a difficult matter for the friends of the movement to so frame a resolution that it would satisfy those who are always opposed to it.

In 1902 a resolution was offered in this Chamber containing the simple proposition of the election of Senators by popular vote. It was unmixed with any other question. It went to the committee. The Senator from New York [Mr. DEPEW], finding the resolution simple and direct, covering one proposition, immediately proceeded to amend it, and he made it a rather complex proposition. I desire to read the amendment which was offered at that time—at a time when the resolution contained but one proposition—because that amendment appears again:

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

I do not think that I do the Senator from New York an injustice when I say that that amendment was offered for the purpose of killing the resolution, and that it did so. The amendment was offered and accepted, and the resolution and the movement in its behalf, of course, had an abrupt end.

So when this pending joint resolution came into the Senate from the committee the Senator from Montana [Mr. CARTER] announced that he was not going to support the joint resolution freely, but rather under duress, because his legislature had commanded him so to do. But when the Sutherland amendment was offered, in the eloquent address of the Senator from Montana on the subject, he appealed to us to give him a simple proposition, one which he could support, one in which the people had been interested for years and years, and not to trouble the minds of those who were sincerely in favor of the joint resolution by mixing it up with other propositions.

So, Mr. President, this amendment offered by the Senator from Utah has been the source of great comfort and solace to all those who are opposed to the joint resolution. It has enabled them to erect bulwark behind which they can shoot to death the original joint resolution and avoid the necessity of presenting to the country some reason why this main joint resolution should not be adopted.

Mr. CURTIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I do very gladly, although the Senator from Kansas was very careful not to yield to the Senator from Idaho the other day.

Mr. CURTIS. The Senator from Kansas did not yield to the Senator from Idaho, because he was compelled to complete his remarks before 2 o'clock.

Mr. BORAH. Yes; the Senator from Idaho understands.

Mr. CURTIS. What I want to ask the Senator from Idaho is, Would it not be just as fair to conclude that the Senator from Idaho reported an amendment to the original joint resolution in order to kill it as to say that the Senator from New York offered the amendment a few years ago for that purpose?

Mr. BORAH. It might be true, Mr. President, if it were not for the fact that the Senator from New York is always opposed to the joint resolution in whatever form or shape it is; that he has always openly and persistently fought it in any form, as have many other Senators, while the Senator from Idaho is willing to take it with almost any trimmings in order to get the real proposition for which we contend.

Mr. YOUNG. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. YOUNG. The Senator from Idaho now yields to one who is heartily in favor of his measure.

Mr. BORAH. I am glad to count one more convert.

Mr. YOUNG. While the Senator is pointing out some of the inconsistencies of those who are opposed to the joint resolution, allow me to appeal to him to regulate a legislature that is in

session at Des Moines, which for a month has been declining to submit a senatorship to the vote of the people.

Mr. BORAH. Mr. President, if the distinguished Senator, who has resided in the State of Iowa for so many years, with his great influence and merits can not secure his own election, of course it is beyond the power of this body to help him out of that position. [Laughter.]

Mr. YOUNG. Mr. President, if the Senator from Idaho will permit me, I will say that the political uplift, which is supposed to be represented by the Senator from Idaho, has its hand upon the lid in Iowa.

Mr. BORAH. Mr. President, if there is any place where the political uplift, of which the Senator from Idaho is a very small part, "has its hand upon the lid," that is one place where justice will be finally done and the rights of the people will be finally worked out in the proper way.

Mr. YOUNG. Mr. President—

Mr. BORAH. It is evident that the Senator from Iowa—The PRESIDENT pro tempore. Does the Senator from Idaho yield further to the Senator from Iowa?

Mr. BORAH. It is evident that the loyalty of the Senator from Iowa to the cause of the uplift is suspected by those who have their hand upon the lid. [Laughter.]

Mr. YOUNG. The only reason they give for keeping their hand on the lid is that the junior Senator from Iowa might be nominated and elected, if that is sufficient. [Laughter.]

Mr. BORAH. Of course that may be the reason which has been given to the Senator from Iowa, but possibly we are not trusting him with all our secrets. [Laughter.]

Mr. YOUNG. Mr. President, I want to make it clear that I am in favor of the election of United States Senators by the people, and I want to move in all these directions with sincerity. I believe in the good faith of the Senator from Idaho; I enjoy what he says; but I have had but one political creed, and that is that a man ought to practice what he preaches. [Laughter.]

Mr. BORAH. Mr. President, Iowa is not within my jurisdiction, but it has been practiced with very great success in the State in which I happen to live. I should not have been here if it had not been practiced [laughter], and I have great affection for the bridge which carried me over.

Mr. President, I shall be compelled to discuss with some tediousness, I presume, the law which has been so sadly misunderstood—for I do not wish to use a harsher term—in regard to the effect which will be wrought by a change in section 4 of Article I of the Constitution.

In the first place, as to the place of election, the Senator offering the amendment will, of course, agree with me that it is a wholly immaterial matter, because the question of place is now under the control of the States exclusively, and the question of place would be immaterial if we have the election by popular vote.

The next matter is the question of time. We now have practically uniformity in all of the States with reference to the question of time, and it has been worked out, not as has been suggested, under the dictation of the National Government alone, but it has been worked out largely through the States. It is quite true, and I am not unmindful of the fact, that Congress at one time provided for a uniform time with reference to the election of Congressmen, but in doing so Congress paid due heed to the fact that all States did not wish one time, a certain time, fixed; and therefore in every particular instance, as I believe, where States had a different time, Congress yielded to the States and fixed the law in harmony with the practice and custom as worked out by the States.

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Was that the case except in those States where the constitution of the State provided for a different time?

Mr. BORAH. I do not know whether that was the case except where the constitution provided or not.

Mr. SUTHERLAND. Is not that the provision of the act of Congress? As I recall it, the provision of the act of Congress, first, was to fix a uniform time, namely, the Tuesday after the first Monday in November, and then by a subsequent amendment it was provided that that should not apply to those States whose constitutions provided for a different day.

Mr. BORAH. I rather think, Mr. President, that that is true, but I do not see that it is material to the proposition I am presenting, because the matter of selecting Congressmen was wholly in the control of the National Government when—

ever it saw fit to act, and any State constitution would have to yield to the law of Congress.

Mr. SUTHERLAND. As I understand it, Congress simply made that exception because it recognized the difficulty of changing the constitutional rule; but where there was no constitutional provision a uniform date was fixed, because that did not involve the change of the fundamental law of the State.

Mr. BORAH. I think the statement made by the Senator from Utah is likely correct, that it related to those States which had a constitutional provision with reference to the time of election; but that is only stating in another way the same proposition that I stated, because the constitution of the State would have to yield to any provision which Congress should make in regard to the manner of selecting Congressmen.

Mr. NELSON. Will the Senator from Idaho allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I do.

Mr. NELSON. Why would the constitution of a State have to yield in that case? Is it not because section 4 of Article I of the Constitution places the power in the Federal Government?

Mr. BORAH. Undoubtedly.

Mr. NELSON. Now, if that power had been eliminated, as the Senator proposes in the case of Senators, the Federal Government would have been powerless.

Mr. BORAH. Well, but my good friend from Minnesota does not make progress in the argument. I said that the constitution of the State would have to yield to the provision of Congress.

Mr. SUTHERLAND. Mr. President, if the Senator will permit me there, I understand that the reason why Congress excepted those States which had a constitutional provision was not because Congress had no power by law to set aside the constitutional provision so far as it applied to the election of Congressmen, but the election provided for by the constitution also included the election of the State officers, and it was desirable that the election of the State officers should take place upon the same day, so that there should not be two elections.

Mr. BORAH. Mr. President—

Mr. SUTHERLAND. Just a moment, if the Senator will permit me. So Congress, recognizing that the election could not be provided for for the State officers without a change in the fundamental law, recognizing that it was not desirable that the election of State officers and Congressmen should take place upon different dates, left those constitutional provisions in effect.

Mr. BORAH. Undoubtedly. The reason why Congress yielded to the custom of the State, where it was fixed by the constitution of the State, was to avoid inconvenience to the State. That is precisely the argument that I am making here. If we take control of this matter and fix a different time for the holding of a popular election the inconvenience and the expense is just the same to the State whether they fix it in the State constitution or fix it by statute.

Mr. SUTHERLAND. But in the case of the law it simply requires the legislative action to change the law, while in the case of a constitution it is a more difficult undertaking. The constitutional amendment must be submitted to the people and be voted on by the people.

Mr. BORAH. The Senator from Utah does not contend, as I take it, that the fact that an act of Congress would change the time of holding a congressional election in a State would also change the time of holding a State election, if they were both fixed by the Constitution.

Mr. SUTHERLAND. Not at all.

Mr. BORAH. In other words, Mr. President, if Congress had seen fit to say to those States which had a constitutional provision fixing the time for holding their election, "You shall hold your congressional election upon a certain day," that would not have interfered in the least with the constitutional provision of the State that the State elections should be held upon another day.

Mr. SUTHERLAND. The Senator is quite right about that, but Congress believed that the States, where it simply required legislative action, would conform to the date fixed by Congress for the election of Congressmen, and would fix that same date for the election of State officers; but they recognized that it was a more difficult thing to do that where it involved a change in the constitution of the State. That was the reason for the exception.

Mr. BORAH. Mr. President, it did not involve the change of the constitution of the State. The moment that Congress fixed a time to hold a congressional election, if the power of Congress was operative at all, it operated, and the constitution

of the State did not have to be changed. It simply became inoperative and ineffective as against the provision of Congress.

Mr. SUTHERLAND. That is true. It would be if Congress had so acted.

Mr. BORAH. Yes.

Mr. SUTHERLAND. But I was simply calling the attention of the Senator to the fact that Congress by subsequent amendment had made that exception for the reason that I have indicated, that they recognized the greater difficulty resting upon the people of the State to amend their constitution than merely to amend the law.

Mr. BORAH. I have stated, Mr. President, that the State did not have to amend its constitution. The constitution of the State became simply inoperative as to that proposition, and there was no necessity for an amendment of the constitution.

Mr. SUTHERLAND. It would have to amend its constitution in order to have the election of the State officials upon the same day.

Mr. BORAH. Not at all; for the reason that the constitutional provision fixing the date of the popular election would be operative as to State officials and inoperative as to congressional.

Mr. SUTHERLAND. The Senator misunderstands me. I say if a State desired to provide that State officials should be elected upon the same day that Congress had provided by law that Representatives in Congress should be elected, in order to accomplish that in the State of Vermont or the State of Maine it would require an amendment to their constitutions.

Mr. BORAH. That is perfectly true; but that all comes back to the same question of inconveniencing the State with reference to the manner in which the people shall hold their popular elections; the inconvenience to the State, the burden to the State, the expensiveness to the State is precisely the same whether they have been acting under a custom established by their constitution or under a law fixed by the statute itself. If the State should have to have a different election for their Representatives in Congress or an election at a different time for their Senators—if it were understood that when this joint resolution left the Senate Chamber it involved the question of the States holding two popular elections, one for their State officials and one for their Senators, it would undoubtedly meet with a great deal of opposition, and that opposition would not be confined to one section of the country either.

Certainly the question of time is one which the good judgment and the intelligence and the long-established practice and customs of the people can safely settle in view of the fact that after 122 years they have worked out this question through their own experience and through laws which they consider wise and efficient to effect their purpose. If we exercise the power to change the time, we must either have two elections or compel the States to change their time, either of which is undesirable.

But I pass from the question of time, and will come to the important question, which is the question of the manner, the way, the mode, the method of election. Is it important and essential that Congress have the power to prescribe the manner of conducting an election? After the States have drawn to themselves the great power of selecting their Senators by popular vote, the question is, Who can best prescribe the manner of performing that function, those upon whom rests the responsibility of doing the work or some others who have not the benefit of the conditions and the experience of the particular locality in which that election shall be conducted?

Under this system, Mr. President—and I will state here now my exact opposition to and my reason for opposing the Sutherland amendment—under this system, in my judgment, Congress could of its own motion interfere with our entire election machinery, our system of registration, our primary law, our ballot, and the entire mechanism of conducting elections. When you have said that, in my judgment, you have fixed the boundary line between what the Government may do under section 4 and the line beyond which they may do all that has been claimed that ought to be done without section 4.

I am not willing to concede for my own State that our system of holding elections or the manner of conducting them shall be prescribed by any others than those who are directly interested in the matter. I do not want a different time fixed; I do not want a different ballot; I do not want a different registration system; I do not want a different set of primary laws. These matters are matters of prime concern to the people who must elect all their officers and conduct all their elections and see that they are all clean, and they and they alone can best work out this matter in accordance with the local condition and situation which pertain to each individual State. This is a matter with which the people are familiar, which they are bound to take an interest in by reason of their State elections,

and which to say they can not efficiently perform is to challenge their capacity for the discharge of the ordinary duties of civil life.

If I did not believe that under this system you could interfere with the election laws of the different States as to their machinery, without any cause other than the wish of Congress, it would not make a particle of difference to me whether this amendment went in or went out.

Before going to a discussion of this feature of the law, however, I want to call attention very briefly to what we have done under section 4 and what value it has been to us in the past. For more than 70 years, Mr. President, Article I, section 4, remained a dead letter in the Constitution, so far as the election of Senators was concerned; for more than 70 years the States alone prescribed and determined the manner of selecting their Senators.

Never, until 1866, did we find any occasion for exercising the power contained in this section. Prior to that time it was left entirely to the States, and I submit that anyone who will read the history of the election of Senators from that time backward to the beginning of the Government, and from that time on will not find that the National Government has aided in any particular in the successful election of Senators.

It is a notorious fact that so long as the matter was left in the hands of the State the election was more successfully conducted and the duty more satisfactorily discharged than it has been since. It is very easy to account for that. It is for the simple reason that the States are most vitally concerned, not solely and alone, but primarily, and they worked out the system which best solved the problems presented to the individual States. If you want to know how successful the act of 1866 has been, just cast your eye quickly over history since its passage, and you will find that the result is in accordance with what John Sherman said here upon the floor, that "instead of being a success, it would be a failure." As a fine example of the effect of the act of 1866, let us look at the condition in Montana to-day; at the condition in Iowa; at the situation in Colorado, and the conditions which surround it, and particularly—although I am not honored by the presence of the Senator from New York [Mr. Root]—at the condition in the State of New York, whose junior Senator has eulogized this system with such wonderful power on this floor, and at the condition which is brought into the Senate Chamber as the aftermath from the election of the State of Illinois.

If we will investigate these conditions, we will find that, instead of our wisdom being superior to that of the several States, it has been proven by history to be inferior, because, as I have said, it is a matter which comes close home to each and every State. The citizens of the respective States, knowing the conditions and knowing those things with which they have to deal, can best determine as to whether they shall elect by a plurality vote or by a majority vote, in joint assembly or in the separate houses of the legislature.

I must trespass upon the patience of the Senate long enough to read a statement from Senator Sherman at the time of the passage of the act of 1866. Mr. Sherman was not the only one who opposed that act; other distinguished Senators also opposed it; but I will only read a paragraph or two from Mr. Sherman. He said:

Practically there has been but very little difficulty in this matter since the foundation of the Government. It is always the interest of every State to elect a Member of the Senate; but where the two Houses disagree there is sometimes a vacancy until the matter can be submitted to the people. I do not think that practice has resulted in any evil.

I think it is much better to leave the mode and manner of electing Senators to the people of the States themselves, through their legislature; to allow the legislature, if necessary, to change the law or modify it to suit the exigency. It makes no difference to the United States; it is only a question as to the mode and manner of electing a Senator.

Mr. BEVERIDGE. Mr. President, will the Senator answer a question for information before he leaves this branch of the subject, because the question is in connection with it?

Mr. BORAH. Yes, sir.

Mr. BEVERIDGE. Why was it that the last clause of the first paragraph of section 4 of Article I was put into the Constitution? My recollection is that James Madison was its author, but I do not recall the reasons why it was inserted. The Senator, of course, has that at his fingers' ends.

Mr. BORAH. The particular reason assigned for putting that clause into the Constitution was in case the States refused to act or failed to provide any means for election that upon such refusal the National Government would not be wholly without power in the premises. That is the practical reason which was assigned.

Now, Mr. President, can we under Article I, section 4, have anything to say as to who shall vote or who shall be em-

powered to vote for a United States Senator? I have been greatly surprised at some of the declarations which have been made with reference to the matter, and I only want to say that if the distinguished Senators who have made those statements will specify to the Senator from Idaho in what particular we can deal with that matter and satisfy him that it can be done, he will not insist upon this proposition.

Mr. NELSON. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I will.

Mr. NELSON. I concede that the qualifications of voters are fixed by the State; but has not the Federal Government under section 4 of Article I the power to make rules and regulations to see that the voters can exercise the right of voting for United States Senators free and untrammelled, without any interference from the authorities of the State?

Mr. BORAH. Mr. President, the National Government has the right to see that a man who under its Constitution has a right to vote shall do so regardless of section 4.

Mr. SMITH of Michigan. But, Mr. President, that would require legislation by both branches of Congress.

Mr. BORAH. It requires legislation to do it now.

Mr. SMITH of Michigan. No. Let me suggest to the Senator from Idaho that under this section of the Constitution the Senate may acquire jurisdiction over frauds in elections, may it not?

Mr. BORAH. Exactly.

Mr. SMITH of Michigan. Now, I desire to put this question to the Senator as to the desirability of our still retaining certain control over the election of Senators. Take the case in the State of Mississippi to-day. Mississippi chose a Senator to succeed the Senator from Mississippi [Mr. MONEY] four years ago.

I would not for anything have you infer from that that he was not chosen properly; but suppose he were chosen improperly—that fraud and intimidation entered into the election—does the Senator from Idaho believe that the Senate could, under any provision of the Constitution that will be left after section 4 is stricken out, acquire jurisdiction over that election and the methods by which it was accomplished until the new Senator from Mississippi presented his credentials here?

Mr. BORAH. I have no doubt about it.

Mr. SMITH of Michigan. I have very grave doubt about it.

Mr. BORAH. I regret that the Senator entertains such doubt.

Mr. NELSON. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Will the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. NELSON. I call the Senator's attention to the fact that his amendment not only repeals that part of section 4 conferring the ultimate regulative power on the Federal Government, but expressly confers it on the States. In other words, it cuts off ex industria the power of the Federal Government to interfere in any manner whatever to preserve order and to see that the people have the right to exercise, free and untrammelled, the right to vote for a United States Senator as for a Congressman.

Mr. BORAH. As I am going to come to that feature in just a moment I will not now digress.

The State alone, Mr. President, fixes the qualification of the voter. Of course I would not feel like trespassing upon the time of the Senate to state that if so many propositions had not been submitted which would lead to a different inference. But the United States has no voters of its own except as it accepts the qualifications fixed by the State. In the first instance the State alone determines who shall cast a vote, and outside of the prevention of discrimination, which is guaranteed by the fifteenth amendment, we have no power to say who shall vote and who shall not vote for Congressman or, if this joint resolution should pass, for Senator.

Mr. NELSON. Will the Senator yield to me?

Mr. BORAH. I will.

Mr. NELSON. But have we not the power to see that all those who are qualified to vote and have a right to vote shall have the opportunity to exercise that right to vote under the Constitution?

Mr. BORAH. We have that right.

Mr. NELSON. And do you not propose to take that away by conferring the power absolutely on the State legislature?

Mr. RAYNER. Will the Senator allow me? When the Senator from Minnesota speaks of those who have the right to vote, does he mean the right to vote under the laws of the State?

Mr. NELSON. Certainly; there is no dispute about that. I concede that the States have a right to prescribe, as a general rule, with the limitations contained in the fifteenth amend-

ment, who are entitled to vote. But when it comes to the matter of exercising that right, whether the voter shall have the right to go up to the polls peaceably and have his vote counted, the power of regulating that is given to the Federal Government by the fourth paragraph of the first section, and it is that power which you propose to take away here and confer exclusively on the State legislature.

Mr. BORAH. The joint resolution now before the Senate does not accomplish at all what the Senator from Minnesota seems to think.

We have absolute power to protect every man in the United States when he is seeking to exercise a right guaranteed by, derived from, or dependent upon the Constitution of the United States.

Mr. CARTER. Does the Senator insist on—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Oh, yes; I yield.

Mr. CARTER. Does the Senator insist upon the correctness of that proposition as to the individual voter? I understand the Senator's proposal to be that the Government of the United States, independent of section 4 of Article I of the Constitution, which this joint resolution proposes to strike down, has ample power to protect the individual voter in the exercise of his rights at the polls. Is that the Senator's proposition?

Mr. BORAH. That is the position I take, and I find ample authority for it in the opinion which the Senator from Montana read to the Senate a few days ago.

Mr. CARTER. The Supreme Court of the United States in the *Yarborough* case and the *Seibold* case, in most clear, specific, and unmistakable terms, declared what is obvious from the text, that the fifteenth amendment applies only to the sovereign States and the Federal Government, and that an individual can not appeal for redress under the amendment when deprived of his rights.

Mr. BORAH. If the Senator from Montana will just wait a few minutes, I will either demonstrate to the Senate that he has not read the *Yarborough* case, or I will demonstrate to an absolute certainty that it has been misrepresented upon this floor.

Mr. CARTER. We will hail that with delight.

Mr. BORAH. I have no doubt the Senator will. The Senator from Montana is an anxious seeker for truth.

Mr. SUTHERLAND. Will the Senator repeat that?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. If Senators will permit me to conclude this phase of the argument, I will then gladly yield, but I would like to proceed to answer the Senator from Montana, because his anxiety is manifest.

Mr. SUTHERLAND. I have no particular anxiety, Mr. President, but I would like to understand the Senator's position, and I confess I do not.

Mr. BORAH. I will undertake to make it plain to the Senator from Utah, and if I do not make it plain to the Senator from Utah I will be glad to have him interrupt.

Mr. SUTHERLAND. Of course I do not insist upon asking the Senator a question.

Mr. BORAH. I will yield to the Senator from Utah.

Mr. SUTHERLAND. I simply want to ask the Senator whether or not it is his opinion that the enforcement act of 1870—I think it was in 1870; at any rate, passed about that time—could have been passed by Congress under a constitutional provision such as is proposed by the Senator's joint resolution.

Mr. BORAH. Part of it could and part of it could not.

Now, Mr. President, I want to read some decisions in a few moments which those who have opposed this amendment in its present form ought to have read before they commenced this debate, because it is apparent that they have simply taken a general statement. But before I do that I want to proceed with the line of argument which I had outlined by quoting very briefly, that it may go into the *Record*, from some of the decisions with reference to the power of the States and the States alone to fix the status of the voter.

In the case of *Minor v. Happersett*, the court said:

The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. * * * The amendment (14) did not add to the privileges and immunities of the citizen. It simply furnished additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. It is clear that the Constitution has not added any right or sovereignty to the privileges and immunities of citizenship as they existed at the time it was adopted. * * * The fourteenth amendment had already provided that no State should make or enforce any law which abridged the privileges or immunities of a citizen of the United States. If sovereignty was

one of these privileges and immunities why amend the Constitution to prevent its being denied on account of race, etc. Nothing is more evident than that the greater must include the less and if all were already protected, why go through with the form of amending the Constitution to protect a part?

Justice Swayne said in one of the opinions written by him:

Until this amendment was adopted the subject to which it relates was wholly within the jurisdiction of the States. The General Government was excluded from participation.

In a late case in the Supreme Court, in *One hundred and ninety-third United States, Pope v. Williams*, it is said:

The privilege to vote within a State is within the jurisdiction of the State itself, to be exercised as the State may direct and upon such terms as it may deem proper, provided, of course, no discrimination is between individuals. * * * The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one.

Mr. Guthrie says that—

It has been held that the fourteenth and fifteenth amendments do not of themselves confer the right of suffrage and that the States are still at liberty to impose property or educational qualifications upon the exercise of that right.

Mr. Tucker, in his work on the Constitution, says:

So in respect to suffrage, which is exclusively under State jurisdiction, except as affected by the fifteenth amendment. The right of suffrage is a State privilege belonging to State citizenship and is exclusively under State jurisdiction. The United States can confer no such privilege within a State.

Mr. RAYNER. Before the Senator concludes—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I do.

Mr. RAYNER. Does the Senator object to reading three or four lines more from the case of *Minor v. Happersett*, or will he permit me to read it?

Mr. BORAH. I will permit the Senator from Maryland to read it.

Mr. RAYNER. To add to what the Senator said, the Supreme Court said in that case:

Certainly if the courts can consider any question settled this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here.

And they wind up by saying:

Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon any one, etc.

That is the leading case in the United States.

Mr. NELSON. Will the Senator from Idaho kindly yield to me for a minute?

Mr. BORAH. I will.

Mr. NELSON. I want to say to the Senator from Maryland once for all that the question of suffrage is not involved in this case.

Mr. RAYNER. Yes; but the Senator from Minnesota differs from—

Mr. NELSON. We concede that the States have a right to prescribe who are qualified voters in the States, and the only limitation upon that right is the discrimination provided against in the fifteenth amendment. The right of suffrage is not involved in this case. The question involved here is whether the Federal Government shall have the power to regulate the manner of these elections so that those who are qualified to vote under State laws may have the free right to exercise it.

Mr. RAYNER. I am glad the Senator from Minnesota differs with the Senator from New York [Mr. Root], because the whole argument of the Senator from New York, which I shall try to answer to-day, was that the Sutherland amendment was necessary in order to confer the right of suffrage on the Federal Government. That was the proposition on which he based his argument.

Mr. BORAH. I desire to resume.

Mr. CARTER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. No. I will ask the Senator from Montana to wait until I cover this proposition which is now being debated.

Mr. CARTER. I desire to cite to the Senator two authorities from the Supreme Court, which I think would direct his attention particularly to the point I undertook to impress upon his mind.

Mr. BORAH. I have no doubt that I will myself cite those authorities.

Mr. CARTER. I have no doubt the Senator is an encyclopedia of authorities.

Mr. BORAH. I may not be an encyclopedia, but I am capable of reading the decisions of the Supreme Court and of understanding them, not because of any particular legal acumen

but because of the great capacity of that court to speak in language fitted for simple minds.

Mr. President, I grant you, for the sake of the argument, that Congress could, under section 4, prescribe the manner of holding an election—take over the entire matter. But when the voter approached the ballot box he would have to carry with him the certificate of qualification made by his State. The manner in which the election should be conducted could, under section 4, be prescribed by Congress, but as to whether the party could vote at all or not and what his qualifications should be the State in which he was casting his ballot alone would determine. We could not add to or subtract from that which the State had done. We could not prescribe any qualifications which the State had not seen fit to prescribe, neither could we reject the voter if the State had qualified him to vote, provided always there had been no discrimination, which is protected by the fifteenth amendment.

Mr. NELSON. I want to say, if the Senator will allow me, that that question is not at issue, and we make no issue on that point.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator decline to yield?

Mr. BORAH. I do not decline to yield, but I should like to suggest to the Senator from Minnesota that the Senator from Idaho is not addressing his remarks exclusively to the Senator from Minnesota and that there may be others in the Senate Chamber who have a different view of the matter.

Mr. President, admitting that the State fixes the qualifications of the voter—as the Senator from Minnesota has settled the proposition by admitting it—admitting that under section 4 we may prescribe the manner, is the National Government powerless to protect the voter in the right to cast his vote, outside of the power conferred by section 4?

Here is the legal proposition briefly and succinctly stated: The Constitution provides that the qualifications of voters for Representatives shall be those prescribed by the State for electors for the most numerous branch of the State legislature thereof. In case this amendment is adopted the Constitution will provide that one having the qualifications of a voter for the most numerous branch of the State legislature shall be a voter for United States Senator. The joint resolution fixes and establishes that as it is now established with reference to the House of Representatives.

My position is that when the State legislature fixes the qualification of the voter for the most numerous branch of the legislature thereof his right to cast that vote is then a right guaranteed by the Constitution of the United States, and that that right, guaranteed by the Constitution of the United States, may be protected by any law which Congress in its wisdom sees fit to write, the same as it can protect every other right guaranteed by the Constitution of the United States.

As said by Mr. Justice Miller, while the State does not fix *ex nomine* the qualification of the voter for Representative in Congress, the State does fix the qualification for the voter for the most numerous branch of the legislature of the State, and that when the State has fixed that, then the Constitution adopts that, and it is a part of the qualification of the voter for Congressman. When the State has acted in fixing the qualification for voters for the most numerous branch of the State legislature, which, under the fifteenth amendment, it must do without discrimination, then the Constitution of the United States adopts that qualification as a qualification for voters for Congress, and Congress may fully and in all proper ways protect that right. This would be the rule under the Constitution for Senators if this proposed amendment should be adopted by the States.

Mr. NELSON. I dislike to interrupt the Senator, but if he will yield to me for a moment—

The PRESIDENT *pro tempore*. Does the Senator yield?

Mr. BORAH. Will the Senator wait until I finish this argument?

Mr. NELSON. Very well.

Mr. BORAH. I want to yield to the Senator, but I do not want to be interrupted in the midst of an argument when I am answering a question which the Senator from Minnesota has submitted.

Mr. NELSON. All right.

Mr. BORAH. And whenever this right has been fixed by the State through the process of fixing the qualification of electors for the most numerous branch of the legislature, then the Constitution of the United States accepts that as the qualification for the voter for a Federal officer; and I submit without fear of successful contradiction that that right being recognized in the Constitution, dependent upon it, and guaranteed by it, there

is no limitation upon the power of Congress to protect a voter in the exercise of that right.

If a man goes to the polls in my State qualified to vote for a member of the most numerous branch of my State legislature and seeks the right to cast his vote for Congressman he is exercising a right guaranteed by the fundamental law, and if any man interferes with him, Congress may pass any law it sees fit to pass to protect him, regardless of section 4. It is a fundamental principle, as broad as the Constitution itself, that any right guaranteed by it may be protected by such statutes and in such way as the wisdom of this body sees fit to pass or adopt to protect it.

I read a quotation or two upon that before I pass on. Justice Harlan has said:

It is no longer open to question in this court that Congress may by appropriate legislation protect any right or privilege arising from, created or secured by, or dependent upon the Constitution or laws of the United States.

Again, the Supreme Court has said in the case of *Logan v. The United States*:

Every right created by, arising under, or dependent upon the Constitution of the United States may be protected and enforced by Congress by such means and in such manner as Congress in the exercise of the correlative duty of protection or of the legislative powers conferred upon it by the Constitution may in its discretion deem most eligible and best adapted to attain the object.

What right is there guaranteed by the Constitution of the United States beyond reach of Congress to protect? The sole and only question to be determined is whether or not, after the status of the voter has been fixed, his right to vote for Congressman or Senator is a right guaranteed by the Constitution. If it is, will any Senator here contend that we must go to section 4 and find the power to protect him?

Let us see. In a case in 179 United States, the court says:

The right to vote for Members of Congress of the United States is not derived merely from the constitution and laws of the State in which they are chosen, but has its foundation in the Constitution of the United States.

Again it is said, and this is the *Yarborough* case:

But it is not correct to say that the right to vote for a Member of Congress does not depend upon the Constitution of the United States. The office, if it be properly called an office, is created by the Constitution, and by that alone. It also declares how it shall be filled, namely, by election. Its language is "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The States in prescribing the qualifications of voters for the most numerous branch of their own legislature do not do this with reference to election for Members of Congress. Nor can they prescribe the qualifications for voters for those *ex nomine*. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress. It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right dependent exclusively upon the law of the State.

There is nothing better settled now, Mr. President, than that the right to vote for a Member of Congress, and the right which will exist under this amendment to vote for Senator, is a right guaranteed by and dependent upon and derived from the Constitution of the United States. I should be interested to know if, in the desire to defeat this joint resolution, the Senator from New York, who told us that we were wrecking our entire system and taking away the power to protect our elections from fraud and violence and corruption, will, as a lawyer, stand before the American bar and say that Congress has not the power to protect every right guaranteed by the Constitution of the United States? It is very unfortunate, Mr. President, that these great constitutional and legal propositions should be intermingled and mixed with questions of policy, for it leads to statements upon this floor that if posterity read them it will wonder if we ever read the Constitution at all.

Mr. President, I come to the *Yarborough* case.

Mr. NELSON. Will you allow me a question here before you take up another subject?

Mr. BORAH. I am not taking up another subject; I am continuing this.

Mr. NELSON. Another branch of the case.

Mr. BORAH. This is the same branch.

Mr. NELSON. Very well; if the Senator objects to a question, I will not ask it.

Mr. BORAH. I will let the Senator ask his question when I get through with this part of the subject.

Mr. NELSON. It is just a brief question.

Mr. BORAH. Very well. I will let the Senator ask it.

Mr. NELSON. It comes in right here.

Mr. BORAH. I see it does.

Mr. NELSON. A part of your amendment provides that the time and place and manner of holding elections for Senators shall be prescribed in each State by the State legislature. What does that mean? Does not that confer the exclusive power on the State legislature?

Mr. BORAH. As to the manner, it does.

Mr. NELSON. What does the term "manner" imply?

Mr. BORAH. I should not like to discuss that in all its details, but it means here the machinery of conducting the election; but it does not necessarily mean that the Government may not prescribe such rules and regulations and such provisions as will guarantee the unmolested right of every citizen to cast his vote at an election.

The manner in which the election should be held, whether under the Australian ballot system or the old system, would be determined by the State, but the right to cast a ballot in accordance with whatever system the State fixed the Congress could control.

Mr. President, if I am permitted to proceed for a few moments, I should like to discuss the Yarbrough case.

Mr. Justice Miller, who wrote this opinion, is justly referred to by the Senator from Kansas as a great jurist, and I think he would be accepted by all as a great jurist. He states the question to be determined in the case:

This, however, leaves for consideration the more important question—the one mainly relied on by counsel for petitioners—whether the law of Congress, as found in the Revised Statutes of the United States, under which the prisoners are held, is warranted by the Constitution, or being without such warrant, is null and void.

The sole question presented to the court after it disposed of some preliminary matters was whether or not sections 5508 and 5520 were constitutional; or, in other words, whether or not Congress had power to pass those provisions of the statute. I direct the particular attention of the Senator from Montana to the reading of section 5508:

Sec. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined, etc.

What does section 5508 prescribe? That anyone who intimidates or assaults or interferes with a person seeking to exercise any right guaranteed by the Constitution of the United States shall be punished. Not alone the right of suffrage, but any right guaranteed by the Constitution of the United States.

Will it be contended that this right referred to here is solely and alone a right to vote? Will it be contended that section 5508 could not have been passed without the provision in the Constitution that we may prescribe the time, place, and manner of holding an election? This section is as broad as any right guaranteed by the Constitution of the United States. It is not confined to voting, to the manner of conducting an election, to Congressmen, or to anyone else. The only limitation upon the matter is that it shall be a right guaranteed by the Constitution.

The Supreme Court has held, sir, that under section 5508 a man may be prosecuted who interferes with another who is seeking to acquire title to a homestead upon the public domain, not relating to an election or to the right of suffrage or to section 4, but any right. In the case of *The United States v. Waddell* the court says that under this same section that by us was passed—under the election provision of the Constitution—a party may be prosecuted for interfering with another in securing a right upon the public domain. Do the Senators contend that under the right to prescribe the manner of conducting an election you can pass a constitutional statute protecting entrymen upon the public domain?

Again, Mr. President, section 5520:

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States.

Will it be contended that under section 4, which gives us the power to prescribe the manner of conducting an election for Representatives alone, we would have the power also to prescribe the manner of conducting the election for presidential electors, when the Constitution in another provision provides explicitly that that power to prescribe the manner of their election is in the State legislature? This provision not only protects those who vote for Representatives, wherein we may prescribe the manner, but it protects those who vote for presidential electors, wherein we may not prescribe the manner. Yet this authority has been read here and commented on as if

without section 4 we could not have passed sections 5508 and 5520. Neither one of them is confined to it. One of them is entirely outside of it. It goes upon the broad proposition, as stated by Justice Harlan, that any right guaranteed by the Constitution may be protected by the laws of Congress.

Mr. President, let us read some from the body of the opinion. I dislike to trespass so long upon the patience of the Senate. This is the provision which was read by the Senator from Montana, the Senator from Utah, the Senator from Kansas, and indirectly referred to by the Senator from New York:

That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration.

Under the Constitution to-day a presidential elector is elected in the manner prescribed by the State legislature. We have nothing to do with the manner whatever; it belongs alone to the State. Yet the statute which protects the voter there, the same as for Representative, is the statute upon which they rely and which they say could not have been passed without section 4. It is passed in the face of the terms of the Constitution with reference to presidential electors, if the construction of the Senators be correct.

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

I concede that proposition.

If it has not this power, it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

There the reading of this decision has always abruptly ended in this Chamber. The dire calamity which would overtake the National Government in case we could not protect our Federal elections from violence and fraud is set forth in the sounding language of the great Justice. They close the volume and turn to the Senate and say that without section 4 all this would happen. If they had been content to read another single paragraph in this decision it would have answered their argument without any answer from me.

The proposition that it has no such power—

Mind you, the proposition that it has no such power—

is supported by the old argument often heard, often repeated, and in this court never assented to, that when a question of the power of Congress arises the advocate of the power must be able to place his finger on words which expressly grant it.

Justice Miller left the domain of express grants covered by the provision of conducting the manner of elections for Representative and entered into the domain of implied power. He sustained his position upon the doctrine of implied power and found sufficient power there not only to protect the election at a congressional election but also of a presidential election.

The brief of counsel before us, though directed to the authority of that body to pass criminal laws, uses the same language. Because there is no express power to provide for preventing violence exercised on the voter as a means of controlling his vote, no such law can be enacted.

That was the position taken by the counsel.

Mr. Justice Miller says this argument—

destroys at one blow, in construing the Constitution of the United States, the doctrine universally applied to all instruments of writing, that what is implied is as much a part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States, more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers—a difficulty which the instrument itself recognizes by conferring on Congress the authority to pass all laws necessary and proper to carry into execution the powers expressly granted and all other powers vested in the Government or any branch of it by the Constitution. (Art. I, sec. 8, clause 18.)

We know of no express authority to pass laws to punish theft or burglary of the Treasury of the United States. Is there therefore no power in the Congress to protect the Treasury by punishing such theft and burglary?

Then the learned Justice cites a number of instances in which Congress has provided laws for the punishment of parties who have interfered with those seeking to exercise a right under the Constitution of the United States.

Mr. RAYNER. What case is that?

Mr. BORAH. It is the case of Yarbrough. Then after referring to section 4, in the opinion which is referred to in the course of the argument, the court said:

This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself—

And that applies to every Federal officer who is elected—

that its service shall be free from the adverse influence of force and fraud practiced on its agents, and that the votes by which its Members

of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

Mr. President, how do you proceed to protect the voter for a presidential elector under section 4? You can fix a time, and that is all. The manner is exclusively in the State legislature. How do you proceed to legislate for his protection? Do you do so under section 4? Certainly not. Do you do so under Article II, section 1? Certainly not, because the Constitution expressly provides that the manner of conducting this election is in the hands of the legislature. You do so, Mr. President, under what I stated a few minutes ago, the broad power of Congress to pass all laws necessary for the protection of any right guaranteed by the Constitution, and the right to vote for a Congressman and the right to vote for presidential electors are both guaranteed by that instrument.

Mr. CARTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Yes; with pleasure.

Mr. CARTER. The Senator will admit, of course, because the text will show, that both the Siebold case and the Yarbrough case rested upon the statute of 1870, passed under authority of the Federal Government to regulate elections. There is no question about that, is there?

Mr. BORAH. Do I understand the Senator contends that section 5508 was passed under that authority?

Mr. CARTER. As to the election act, I understand the Yarbrough case to have arisen under the act of 1870. As to whether the section referred to is a part of that act I am not advised.

Mr. BORAH. It is very important to know, because that is what the court was construing.

Mr. CARTER. But the court was construing the act of 1870 precisely as that act was construed in the Siebold case, and the only difference in the two cases is that in the Siebold case the prosecution was directed against certain officers of the State—

Mr. BORAH. Permit me to ask—

Mr. CARTER. And in the Yarbrough case against certain parties other than officers for interfering with officers of the United States.

Mr. BORAH. Does the Senator from Montana claim that section 5508, on page 664, was passed alone under the authority of Article I, section 4?

Mr. CARTER. I contend that both the Yarbrough case and the Siebold case turned on the election law of 1870, and later the Supreme Court held in two distinct cases that an attempt to enforce the personal right under the fifteenth amendment was a futile attempt and the act was void in that regard.

Mr. BORAH. I will come to that. The Senator from Montana apparently declines to answer one question, which he must answer in order to deal fairly with this decision, and that is, Was section 5508 passed under and by virtue of the authority of Article I, section 4?

Mr. CARTER. Undoubtedly the act of 1870 was passed under authority—

Mr. BORAH. Was section 5508 passed under section 4?

Mr. CARTER. I have not the section before me and therefore I will not answer until I have examined it.

Mr. BORAH. I will read the section for the Senator. I think the Senator has the section.

Mr. CARTER. I desire to know whether the Senator insists that both the Siebold case and the Yarbrough case did not turn upon legislation based upon the part of the Constitution which he proposes to strike out.

Mr. BORAH. I distinctly assert that the Yarbrough case did not, and if the Senator from Montana will be frank enough and answer the "Senator from Idaho" I will convince the Senator from Montana of that fact here upon the floor.

Mr. CARTER. The Senator has attempted to do that for some time, and quite unsuccessfully.

Mr. BORAH. The reason that I am unsuccessful is because the Senator refuses to read section 5508 to the Senate and tell the Senate under what power we passed it.

Mr. CARTER. The Senator has the section and he has a chance to read it himself.

Mr. BORAH. I will read it:

Sec. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 and imprisoned not more than 10 years; and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

Does the Senator from Montana claim that that was passed alone under section 4?

Mr. CARTER. It covers other crimes than those which would naturally arise in connection with an election proceeding for Senators of the United States or Members of the House of Representatives; but the Senator will certainly not contend that the Yarbrough case and the Siebold case were not determinative of certain principles of law and constitutional power arising from legislation authorized by the section of the Constitution this resolution proposes to strike out.

Mr. BORAH. Mr. President, section 5508 was not passed under and by virtue of Article I, section 4, and that is well demonstrated to the Senate, because the Supreme Court of the United States has upheld it for the protection of rights upon the public domain. Have we reached a point in the discussion of this question where we must construe section 4 to cover the right to acquire a right or title on the public domain?

Mr. NELSON. Will the Senator allow me? We all, who know anything at all, know that the right to protect the public domain is based on that paragraph of the Constitution giving Congress jurisdiction over the territory of the United States, and it is not based on section 4 of Article I.

Mr. BORAH. Precisely. I agree entirely with the Senator from Minnesota.

Mr. NELSON. What has that to do with the matter here? It is highly important, but what bearing has it on this case?

Mr. BORAH. The Senator manifests some anger, which is unfortunate. The bearing it has upon this case is this: We are told by the Senator from Montana that section 4 was the authority for passing section 5508, and we are told by his colleague [Mr. NELSON], who sits beside him, that we derived the authority from another provision of the Constitution.

Mr. CARTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. Certainly.

Mr. CARTER. The Senator certainly desires to be fair. This record will justify itself. The Senator from Montana made the statement, and insists upon the accuracy of it, that the Siebold case and the Yarbrough case both construed or interpreted the power of Congress to pass certain legislation prescribing penalties under the authority of section 4 of Article I of the Constitution, which this resolution proposes to strike out.

Mr. President, the Senator has been indulgent with me, and I should like to make more clear to his mind my position in reference to this matter if he will permit me for one moment.

Mr. BORAH. I do not desire to have the Senator from Montana enter into a speech at this time.

Mr. CARTER. I should like to cite an authority which, I think, will make it clear to the Senator that the position—

Mr. BORAH. Will the Senator give me the name of the authority?

Mr. CARTER. I will be glad to do so. I cite the case of James against Bowman, in One hundred and ninetieth United States Reports.

Mr. BORAH. I have that on my table, I think, and I am going to address my attention to it in a few minutes.

Mr. CARTER. I would be glad if the Senator would do that in due season. He seems to be a little slow in getting to it. I should like also to have the Senator take into consideration certain other authorities. I presume he has them all. I will call his attention to them if he has not.

Mr. BORAH. I am a little slow in getting along. The fault is not wholly mine. [Laughter.]

Mr. President, we are told that the Yarbrough case construes provisions of the statute passed under and by virtue of Article I, section 4; and yet the statute passed under Article I, section 4, construed in the Yarbrough case, protects voters, as I have shown, for presidential electors the same as Members of Congress, and Article II, section 1, of the Constitution expressly gives the legislature the power to prescribe the manner of selecting electors.

And although we are also told, Mr. President, that section 5508 was passed alone under the authority of Article I, section 4, yet the Supreme Court of the United States has held that that section—not some other section, but that section—sustains a prosecution for a party interfering with another in acquiring rights upon the public domain.

It is evident, as I said a few moments ago, that these sections were passed under and by virtue of the implied power of Congress to protect any right guaranteed by the Constitution of the United States.

I quoted a moment ago from the opinion, and I quote a little further, because I am afraid that some Senators did not catch the language of the Justice.

Mr. RAYNER. Mr. President, will the Senator please give me the page from which he is reading?

Mr. BORAH. Page 662.

Mr. RAYNER. That is the case of Yarbrough, in One hundred and tenth United States Reports?

Mr. BORAH. Yes.

This duty does not arise solely from the interest of the party concerned, but from the necessity of the Government itself, that its service shall be free from the adverse influence of force and fraud practiced on its agents—

Not its voters, but also its agents, as the Justice gives numerous instances of—

and that the votes by which its Members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice.

When we adopt this resolution, if we should do so, and it should go into the Constitution, we will prescribe or provide that the legislature shall do precisely with reference to the election of Senators what they now do with reference to electors, and after it is in the Constitution we would have precisely the same authority for passing section 5520 with reference to Senators that we now have with reference to presidential electors.

Is it a dangerous thing to take away the manner of electing Senators from the National Government and place it where the Government has already placed the manner of electing presidential electors, when the court in the case of Yarbrough held that both may be equally and alike protected from violence and fraud and intimidation and everything that interferes with an election?

So I say, Mr. President, that those who contend that the sections of the statute in the Yarbrough case were passed alone under and by virtue of Article I will not be able to maintain their position.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. BORAH. I yield.

Mr. SMITH of Michigan. Under the resolution proposed by the Senator from Idaho, is there any power residing in the Federal Government to fix a uniform time for the election of Senators?

Mr. BORAH. There is not.

Mr. SMITH of Michigan. When I interrupted the Senator from Idaho a few moments ago and said that I disagreed with his conclusion, I disagreed with it because I felt that that phase which I have insisted upon from the first is one of the most important would not remain in the Constitution if this amendment to it is adopted.

Mr. BORAH. The question of time, I agree with the Senator from Michigan, would be solely in the power of the State to fix. I have no doubt, of course, but what that is true.

Mr. SMITH of Michigan. May I interrupt the Senator again? I do not know that I ought to interrupt him, because he has been so frank in answering my question, but it would then be in the power of the States, if they so chose, to elect their Senators at any time they may desire without let or hindrance upon the part of the Federal Government, and they may choose them 6 or 10 years in advance of the vacancy.

Mr. BORAH. Or, Mr. President, they may not choose them at all, and that they may not do now. We must trust at last the wisdom and patriotism of the people in the respective States, and in their wisdom and patriotism I have confidence.

Mr. SMITH of Michigan. I want to thank the Senator for his frankness. I want to say to him that so far as I am concerned there is nothing captious in my interruption. I am in full sympathy with the proposition to give to the people of the States the power to elect Senators directly, and I have no quarrel with him upon that point whatever; but I dislike very much, I will say frankly, to see the power of the Federal Government taken off the election of Federal officials when I regard the question of uniformity of time as so essential.

Mr. BORAH. Mr. President, it has been urged here also that the repeal or change of section 4 would take away some of the power of Congress to pass upon the title of Members to these respective bodies. The Senator from Montana contended that without section 4 we would be greatly interfered with in protecting this body from Members who had been elected by corrupt influences. I read the statement of the Senator from Montana:

Little consolation can be drawn from paragraph 1 of section 5 of Article I of the Constitution, which provides that "each House shall be the judge of the elections, returns, and qualifications of its own Members," for it is evident that if Congress is deprived of the right to legislate on the times and manner of electing Senators the States will possess supreme power in the premises and the Senate will not be at liberty to inquire into the manner of exercising that power.

Again the Senator says:

When you deprive any elective parliamentary body of power to keep the channel between the voters and the legislative chamber free from ob-

struction or pollution by fraud, violence, or corruption, you condemn that body to degradation and death.

It was also suggested by the Senator from New York that he thought the change in section 4 would interfere with the power which we have under Article I, section 5; that while we would still have the power we might not have the machinery, as I understood his argument, not having read it since it was delivered and quoting only from memory.

But Article I, section 5, provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members. * * * Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds expel a Member.

I am not going to detain the Senate long in discussing this proposition. I think upon reflection all will admit that there is no limitation upon the power of each body to deal with the subject of the election of Members of the Senate or of the House other than that which each sees fit in the respective bodies to exercise or to establish.

I call attention in passing to the statement of Senator Thurman, made in 1873, with reference to this power:

We have a Constitution, and the Senate exists by virtue of the Constitution; and the Constitution declares how the Senate shall be constituted and what shall be its powers, and among them is the power to judge of the elections, qualifications, and returns of its Members.

Now, Mr. President, mark it, there is no question as to what is meant by "qualifications." We know that those are the qualifications specified in the Constitution itself, and that you can superadd no other qualification. There is no difficulty, either, about the "returns." What shall be the returns is a matter to be determined by law, and the law declares what shall be the returns, what they shall contain, and what they shall show; that is all matter of law; and we decide upon their face whether they are in due form and in compliance with law. But then, sir, comes the question of the election. We are to be the judge of the election. What is meant by that? In the first place, mark it, that the word is without limitation. It does not say you shall be the judge of the election quoad this or quoad that; you shall be the judge to the extent of finding whether the election was held on the right day, or whether it was held by a body that constituted a valid legislature, or whether there was a majority, and you shall be judge of nothing else. It puts no limitation on your power to judge of the election. It is a perfectly unlimited power to judge, and is therefore a power to hold the election void for any cause that, according to law and reason and consistency with our Constitution, makes an election void.

Is there any question, Mr. President, under this provision of the Constitution that either body may take any step it sees fit to deal with the subject of determining who is a Member? Is there any question but that each body may determine when a person is elected or has a title to a seat in the body in accordance with any rule which the body to which the Member is elected or accredited sees fit to establish?

Mr. SUTHERLAND. Will the Senator from Idaho yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Do I understand that it is the contention of the Senator from Idaho that if we eliminate from the Constitution the last clause of section 4 of Article I, namely, "but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators," still the Congress of the United States would possess the same power which it now possesses to regulate the manner of elections?

Mr. BORAH. No; I do not contend that. I contend that Congress would have the power to take any measure that it deemed proper to see that the party who had a right to vote cast his vote. If that could be said to involve the question of going into and prescribing the manner, I have no doubt that Congress would have that power. It does not necessarily follow, however, that the proposition of prescribing the manner is necessary in order to guarantee a party the right to vote. So long as the State established a proper manner we could only see to the exercise of the right in the manner prescribed. For instance, if the State established the Australian ballot system, we could not establish the old system. We could only see that every voter should have a right to cast his ballot in accordance with that manner.

Mr. SUTHERLAND. Then, does the Senator concede that, if we eliminate the section to which I have directed attention, it would take away the power of Congress to regulate the manner of the election except in the particular which the Senator has stated?

Mr. BORAH. In my opinion it would take away the power of Congress, in the first place, to prescribe the time. There is no doubt about that. In my opinion it would take away the power of Congress to prescribe the manner other than such provision as was necessary to guarantee the party the right to cast his vote unmolested.

Mr. SUTHERLAND. That is, it would prevent the Government of the United States from passing a law to provide for supervisors at elections?

Mr. BORAH. I do not think so.

Mr. SUTHERLAND. You think not?

Mr. BORAH. I do not think so. The Government could very well say, We are entirely satisfied with your election laws, your form of ballot, your registry system, your style of booths, but we will place men there to see that the voter for Senator is permitted, unmolested and without fraud, to exercise his right in accordance with the manner the State has prescribed. The manner of performing a right and the right itself should be kept distinct.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Idaho to the fact that section 4 of Article I confers upon the State legislatures the agency—constitutes a delegation of power by the people of the United States to regulate the times and places and manner of holding these elections. If the language of the Constitution stops there, upon what theory can the Senator from Idaho say that the Congress of the United States, from whom the power has been withdrawn, shall still possess the power to do anything that may be embraced within the term "manner of holding elections?"

Mr. BORAH. Mr. President, this provision of the Constitution in the amendment which we have proposed is that the qualifications which the legislatures may fix as the qualifications for the most numerous branch of the legislature of the State shall be the qualifications of voters to vote for United States Senators. When those qualifications are fixed by the legislatures, then the right to cast that vote becomes a right protected by the Constitution, and we may pass any law necessary to see that that right is properly exercised. But that does not involve at all the right at the same time to say whether the vote shall be by the Australian or some other ballot. Whatever be the style or manner of performing, still the party must be guaranteed the right to perform in that way.

Mr. SUTHERLAND. Yes; but when we delegate affirmatively the power to the State legislatures to regulate the manner of the election, do we not by that very fact take away from anybody else the affirmative power to do so?

Mr. BORAH. We have delegated to the State legislatures the power to fix the manner of choosing electors for President.

Mr. SUTHERLAND. Yes.

Mr. BORAH. And the Supreme Court has upheld a statute which protects parties in the exercise of the right to vote for such electors.

Mr. SUTHERLAND. I can not quite agree with the Senator's construction of that case; but I am asking the Senator for his own view.

Mr. BORAH. That is my view.

Mr. SUTHERLAND. Is it the Senator's view that when we delegate affirmatively to one agent the power to do a thing, that another agent may do it?

Mr. BORAH. I do not concede that the manner conflicts with the proposition which I submit, and that is that the right may be guaranteed in such a way as Congress sees fit; but the manner of holding elections does not necessarily imply that proposition.

Mr. CLARK of Wyoming. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I will.

Mr. CLARK of Wyoming. I understand that section 4 of Article I confers certain definite powers upon the Congress of the United States and that the amendment now proposed withdraws those definite powers from the Congress of the United States and confers them in terms upon the legislatures. Does not that result in depriving the Congress of the United States absolutely of the powers thus withdrawn?

Mr. BORAH. It does as to the extent of the power which we have delegated; but I contend that, outside of that proposition, those things which we ought to do the Supreme Court has held that we may do, regardless of section 4 of Article I, and that is true with reference to presidential electors now.

Mr. CLARK of Wyoming. Then the Senator's contention is that section 4 of Article I, as originally in the Constitution, was then and is now surplusage?

Mr. BORAH. In my opinion, Mr. President, that is true so far as protecting the polls against fraud, intimidation, and so forth; we could have done that anyway. It has been true in history and it is largely true in fact. I ask the Senator from Wyoming under what power now do we protect voters voting for presidential electors?

Mr. CLARK of Wyoming. I am not discussing any of those matters. I simply wanted to get the view of the Senator in relation to the particular matter upon which I interrogated him.

Mr. BORAH. I understand the Senator, but it would be interesting to know under what power we protect voters voting

for presidential electors if the argument of the Senator is correct. That is a proposition which needs the attention of our friends in order that their logic may have full force.

Mr. CLARK of Wyoming. But the difference, as I view it at the moment, is that we have given a special power to Congress by section 4 of Article I, and we now propose definitely to deprive Congress of that power. Does that still leave in the Constitution the idea of an implied power that we have expressly deprived Congress of?

Mr. BORAH. But we have expressly given to the State legislatures by direct terms the power to prescribe the manner of electing these electors. That is expressly delegated to the State legislatures in the same specific language that we here delegate this, and yet certainly the court has held in the *Yarborough* case that they may be protected the same as are other parties.

Mr. SUTHERLAND. Then I understand that the position of the Senator from Idaho is that Congress will possess the same power to regulate the manner whether the power is affirmatively conferred or not.

Mr. BORAH. No; I did not say that, Mr. President. There are many things connected with the manner of an election that have nothing whatever to do with the proposition of denying or protecting a man in the right to cast a vote. I say that under section 4 of Article I we may, of our own desire, go out and prescribe machinery for the election, whether the question was ever raised as to the man having been denied his right in any way, shape, or form. We could proceed to prescribe the manner regardless of whether or not the question of the right to vote was involved in the controversy. It gives us a wider power and a wider range with reference to fixing the machinery by which the election is carried on.

I grant to the Senator from Utah, if it became necessary in any particular instance in order to see that the party had the right to vote, that we should prescribe a certain rule. I have no doubt that we could do so, but beyond that, under section 4 of Article I, we could go and prescribe a rule, whether the right had been denied for him to cast his vote or not.

Mr. SUTHERLAND. Will the Senator permit me one other question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Does the Senator from Idaho think, if this portion of section 4 of Article I is eliminated, that the Congress of the United States would have the power to prescribe the kind of ballot which should be used?

Mr. BORAH. I do not. Of course, conditions could be conceived where a ballot might be so arranged to deprive parties of the right to vote or work a fraud; if so, we could interfere. But ordinarily, no.

Mr. SUTHERLAND. Then, does the Senator concede that without this provision in the Constitution we could not have provided for a written or printed ballot, or for the use of machines?

Mr. BORAH. I do.

Mr. SUTHERLAND. And that any State, if it should choose to do so, could adopt the viva voce system of voting?

Mr. BORAH. I think so; and that is one of my objections to section 4 of Article I. I think the State ought to be left absolutely the power to fix the form of ballot and that form of machinery having to do with the election. When the State has done that, I think that beyond that, if the question of the right is involved, the Congress of the United States may go any distance it desires for the purpose of protecting that right.

When I was diverted from the subject I was discussing the question of our power under Article I, section 5, and I desire to quote here from the address of the Senator from New York [Mr. Root] in the *Lorimer* case. He said:

Mr. President, we here are not a court in the discharge of this high function; we are more than a court. There exists no power in any government short of an amendment of the Constitution of the United States to limit or control the evidence we shall receive or the grounds upon which we shall act in judging the qualification and election of a Member. The sole limit is the limit imposed by our own sense of what is just and right and for the public weal. No strict rules of evidence control us, no statutes declaring what shall or shall not constitute a good election. We are not a board of canvassers counting votes; we are a body which Congress itself can not control, protecting the integrity, the purity, and the efficiency of this great representative body, in many respects the most powerful body under representative government in the world. We are charged with that duty, and our own consciences and sense of justice must determine the action we take in the performance of the duty. The question for us to determine is whether, upon the whole, taking all this testimony together, the election of WILLIAM LORIMER was brought about by corrupt practices.

In other words, the interpretation of Article I, section 5, by the Senator from New York gives us unlimited power to deal with the cleanliness and the purity of the election of Members

of this body, the same power which the House of Representatives has to deal with Members of that body.

The Senator from New York contends that there is no limitation upon our power other than our conscience and our judgment; and certainly we have never been aided by section 4, Article I. We have never undertaken to assist Article I, section 5, by legislating under Article I, section 4. We have always proceeded under the power of Congress to deal with the question of protecting the rights of the people regardless of where and in what particular place of the Constitution that right was guaranteed, and we have always proceeded to investigate the title of a Member to a seat in this body unrestrained by any other law than the conscience and the judgment of Members of this body. Section 4 of Article I does not aid us; section 4, if repealed, would not hinder us.

Mr. President, I come now to the other proposition, and that is the question of protecting the Negro vote. I regret very much that that proposition has been deemed to be necessary for a proper discussion of this subject. But, as it has been brought here for discussion, I want, before the subject passes from our consideration, so far as I am concerned, to state some things about which I have some fairly earnest convictions.

I do not know, Mr. President, how long the North is going to play the hypocrite or the moral coward on this Negro question. The North always assumes when we come to discuss the Negro question that there is in the North a superiority of wisdom and of judgment and of virtue and of tolerance with reference to dealing with that question which is not found in other parts of the country. Call the roll in this Senate Chamber of States where they have a Negro population and present the record with reference to the manner in which the North has dealt with this question, and tell me what authority any man has to stand upon the floor of the Senate and chide any part of this Union about the manner in which it deals with this question.

The Northern States have exhibited the same animosity, the same race prejudice and race hatred that has been developed in the other parts of the Union. While I know that this will grate upon the feelings of some, since the question has been raised in this Chamber, I propose to do as the Senator from New York said we should do, tell the truth in regard to this matter. We burn the Negro at the stake; our northern soil is cursed with race wars; we push the Negro to the outer edge of the industrial world; we exhibit toward him the same intolerance in proportion to his number in our part of the country as they do in every other part of the land, and in the same way. I have not a particle of doubt, Mr. President, if we had to deal with this subject in all its widespread ramifications as others have to deal with it, judging from what has happened in Colorado, in Illinois, and in numberless other States of the North, we would exhibit the same qualities, display the same weaknesses and the same intolerance that others have been chided with exhibiting or possessing.

Secondly, I want to ask my friends who have raised this question of protecting the Negro in the South, and who assert that we have the power under section 4 of Article I to deal with the subject, why we do not exercise the power if we have it? We have not only behind us in the Northern States, in proportion to the black population, the same record, but in addition to that, Mr. President, we stand before the country declaring that we have the constitutional power to deal with this question, and yet we must admit to every black man in the North and to every black man in the South that we have not had the moral courage to exercise that power. Speaking for myself, I deny that the power extends where the exigencies of this debate have sent it, and I resent the proposition that for 40 years wrongs have been committed that we have had the power to deal with and that we have cowardly refused to exercise that power. To say that under Article I, section 4, we can protect the colored voter of the South and at the same time to assert that he has been disfranchised is either to convict ourselves of deplorable moral cowardice or to wantonly libel the South.

It is a fine situation, Mr. President, in which the great Republican Party finds itself in this debate. It has been practically asserted, indeed, sir, it has been asserted upon the floor of the Senate that under section 4 of Article I we can deal with what is called the "grandfather clauses" of State constitutions. Then the question arises, When are we going to deal with them? It is my deliberate opinion that we have not an iota of power under section 4 to deal with the question of suffrage in any State of this Union so long as it complies with the fifteenth amendment to the Constitution, and whether it has or not can always be tested under the provisions of that amendment alone and of itself.

It has been asserted deliberately upon the floor of this body that the repeal of section 4 of Article I would embarrass, if not repeal, the fourteenth and fifteenth amendments to the Constitution. It was stated by the senior Senator from New York [Mr. DEWEY] the other day, by the Senator from Montana [Mr. CARTER], the Senator from Kansas [Mr. CURTIS], and, as I understood, by the junior Senator from New York [Mr. ROOR] that when that section 4 should have been repealed the fourteenth and fifteenth amendments would be rendered ineffective.

Section 4 of Article I deals alone with individuals. The fourteenth and fifteenth amendments deal alone with the States. It might be true that if section 4 were retained we could do some things which it has been contended we should do by those who are supporting the amendment of the Senator from Utah [Mr. SUTHERLAND]; but certainly it can never be contended that a provision in the Constitution which deals with individuals can impair in any respect the provision of the Constitution which deals alone with the action of the States.

Mr. HEYBURN. Mr. President, will the Senator permit me a question?

The PRESIDENT pro tempore. Does the junior Senator from Idaho yield to his colleague?

Mr. BORAH. Certainly.

Mr. HEYBURN. Is it not true that the fourteenth amendment deals with individuals when it provides that the Congress may interfere where the right to vote for a member of the State legislature or a State judge is concerned? The individual right to vote is dealt with in express terms in section 2 of the fourteenth amendment.

Mr. BORAH. It has been decided so often, Mr. President, that the fourteenth amendment relates alone to the action of the States that I did not suppose it was a subject of controversy.

Mr. HEYBURN. No; that is the exception.

Mr. BORAH. The fourteenth amendment to the Constitution provides:

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

Would the repeal of section 4 destroy the citizenship of people who are born in the United States or naturalized and are subject to its jurisdiction?

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

If section 4 were repealed, would it be contended that a State could pass a law which would abridge the privileges or immunities of citizens of the United States? Would the State have any less of an inhibition upon it with section 4 eliminated than it has now?

Nor shall any State deprive any person of life, liberty, or property, without due process of law.

If section 4, which relates to the manner of conducting elections, were repealed, would it be contended that any State could pass a law which would deprive any person of life or liberty or property without due process of law?

Nor deny to any person within its jurisdiction the equal protection of the laws.

What provision of the fourteenth amendment is dependent upon section 4 of Article I for its successful and efficient enforcement? If a State should pass any law inhibited by the fourteenth amendment would there be any question that the Supreme Court would have the power to declare it, and would declare it, in violation of that amendment, and therefore void? It is the State that is inhibited from action under the fourteenth amendment, and it has been held by the Supreme Court that the fourteenth amendment does not give us any power to deal with individuals. Section 5 of the fourteenth amendment provides:

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

There is no limitation upon the power of Congress. The fourteenth amendment is complete within itself. Every right guaranteed by it may be protected by the Congress by appropriate legislation; it derives no aid or benefit from any other provision of the Constitution. The same is true with reference to the fifteenth amendment, which provides:

ART. XV. SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Both of these amendments to the Constitution, Mr. President, relate to the action of the States as sovereignties and members of this Union, and both of the amendments provide that all appropriate legislation may be enacted for the purpose of carrying into effect or taking care of the rights guaranteed

by their different provisions. We have not been told in what respect the fourteenth and fifteenth amendments would be impaired. We have simply been advised that they would be impaired. It seems to me that, if we will reflect for a moment, those amendments and all the rights guaranteed by them are completely protected by their own provisions. Those who are seriously and earnestly in favor of electing Senators by direct vote of the people will not long hesitate upon this proposition.

The fact is, Mr. President, that this race question has been brought here in the earnest hope that it would do service in killing this resolution. It is brought forward by those who have stood in opposition to this and similar resolutions for 30 years and who have employed every argument, good or specious, and taken advantage of every parliamentary situation to defeat the measure. There is not an authority to be found in the books which holds that under section 4 we have power to deal with the question of suffrage in the States or as against the States. There is not the slightest foundation for the contention that the proposed change of section 4 will modify or weaken the provisions of the fourteenth and fifteenth amendments. Both of these amendments are complete within themselves, and each gives Congress unlimited power to pass any act appropriate to make effective their provisions.

We have used the Negro as a political football about as long as our own sense of decency or the Negro's developing intelligence will permit. If we have a constitutional power which may be used to his advantage, we ought to use it whenever and wherever he is being wronged. If we have not such power, we ought to cease to mislead him and have the courage to state to him the truth. We ought at least to cease surfeiting the Negro on these soporific applications of rhetoric, these tender and moving protestations embalmed from year to year in the CONGRESSIONAL RECORD. The colored man has advanced to a point where we can well dispense with this perennial distribution of political soothing sirup and give him the substantial food of hard facts and simple truths.

Notwithstanding it is clearly intimated—indeed, sir, essentially asserted—that during all these years we have had ample power to undo election laws which it is claimed disfranchise the Negro, notwithstanding it is asserted that we have the knowledge of the wrong and the power at our command to right it, we have during all of this time remained silent. Now that another proposition is to be served, a true reform throttled, we can no longer suffer in silence.

The Senator from New York says let the truth be told. Yes; let the truth be told. Let us conceal nothing. The truth is that the Negro is beginning to master his first great sad lesson in his upward fight in civilization. He is beginning to realize that the white man, whether in the North or in the South, is of one and the same race; that in his blood is the virus of domination, of power. That while the slave chains have been broken the industrial chains are being forged, wrought of the same material as the old slave chains—greed and avarice, race hatred and race prejudice. That the black race will inevitably wear these chains, wear them in the North and wear them in the South unless the race is sturdy enough and strong enough and self-reliant enough to reject them of its own force. That these qualities and virtues must be acquired through self-discipline, self-help, industry, frugality, and long suffering. It is the badge of suzerainty which God in His inscrutable wisdom had placed upon them, and it must be worked out by the race itself and the aid of those who truly sympathize with them and are true enough and candid enough to tell them the truth.

All in the world the Government can do in this matter is to assure the Negro the equal protection of the law and the protection of equal laws. This it can do, this it at all times ought to do. Anything more would be ruinous to the Negro and demoralizing to our whole body politic. If the time ever comes when a political party has the power and the boldness to take as its special wards and partisan vassals millions of voters and in return for their vote give them special advantages and special favors it will mark the beginning of corruption, race hatred, and race war which would make the massacres of old seem tame and uninteresting. Sir, what we can do, what we ought to do, what we have the power unimpaired under the Constitution to do is to give him the protection of equal laws. This and no more is just and wise.

Let me say to the Negro from my place in the Senate, although I know my voice will not be heeded nor carry weight with others, but I wait for time to make good—after the exigencies of this debate are over, after this resolution has again been killed, if they should succeed, you will never again hear anything about the virtues or the power of section 4. No measure will be offered here, no bill passed under it for the substantial advantage or benefit of the Negro. Let me say to the black man

of the South and to his black brother in the North, do not permit the anxious and restless and hopeful spirit to call you from the path you are pursuing of working out your own salvation.

No law will be proposed, no statute passed, no voice will be raised in this Chamber again for years. The silence of the last decade will be followed by the silence of the next decade. The Negro should turn from these political contentions and political exigencies and find the truth in reading the plain terms of the Constitution and decisions of the great tribunal that has never trifled with his cause. There he will find the exact measure of the Nation's power. Yes; let the truth be told. Let the hard facts be known that the State, and the State alone, fixes the qualifications of the voter, and that outside of the principle of no discrimination we are powerless to do otherwise. This is the great law of equality upon which all Republics are founded, and it is the great law of equality under which all races must work out their salvation, and under which we must all be content to live. The North and the South must be satisfied with the rule. [Applause in the galleries.]

INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, 15, 18, 31, 35, 37, 39, 41, 43, 49, 51, 53, 54, 58, 62, 63, 64, 78, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 10, 13, 14, 21, 22, 24, 27, 32, 33, 34, 36, 38, 40, 42, 44, 52, 59, 60, 65, 67, 68, 69, 70, 71, 72, 75, 80, 85, 86, 87, and 89, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fourteen thousand three hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert "and twenty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, \$425,000: *Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act, and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipments for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation, supported by a statement of his reasons therefor, as to the necessity or advisability of continuing or discontinuing each such school or agency plant."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "shall" and insert the word "may"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and on page 6 of the bill, after line 10, insert a new paragraph, as follows:

"For general expenses for telegraphing and telephoning in the Indian service, \$14,000: *Provided*, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year 1911."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In line 10 of the proposed amendment, after the word "States," strike out the balance of the amendment and insert in lieu thereof the following:

"On or before June 30, 1918, and all repayments to this fund made on or before June 30, 1917, are hereby appropriated for the same purpose as the original fund and the entire fund, including such repayments, shall remain available until June 30, 1917, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1917, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: *Provided still further*, That the Secretary of the Interior shall close the account known as the civilization fund created by article 1 of the treaty with the Osage Indians, dated September 29, 1865 (14 Stats L., p. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section 11 of the Indian appropriation act for the fiscal year 1898, approved June 7, 1897 (30 Stats. L., p. 93), is hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: After the word "bridges," at the end of the proposed amendment, change the period to a comma and insert "and that the limit of cost herein fixed in no event shall be exceeded"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The first proviso in section 25 of the Indian appropriation act, approved April 21, 1904 (33 Stat., 224), is hereby amended so that the first sentence in said proviso shall read as follows: '*Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 10 acres of the irrigable lands'; and there is hereby appropriated the sum of \$18,000, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments, for the fiscal year 1912: *Provided*, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the first two words of the proposed amendment and insert the word "The."

In line 24 of the proposed amendment, after the word "quarries," strike out the words "under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795."

In line 30, before the word "proceeds," insert the word "net." Strike out the last two lines of the proposed amendment and insert: "That so much of the act of February 23, 1889, entitled 'An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations, in Idaho, May 14, 1880, and for other purposes,' and the provision in section 7 of the Indian appropriation act approved April 4, 1910, as conflict with the provisions herein are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out all the proposed amendment and in lieu thereof insert:

"There is hereby appropriated the sum of \$5,000, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the costs and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section 22 of the Indian appropriation act for the fiscal year 1911 approved April 4, 1910, between the United States and the Yankton Tribe of Indians of South Dakota, to determine the interest, title, ownership and right of possession of said tribe of Indians in and to certain lands and premises therein described."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of \$2,500, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"*Provided*, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"In the issuance of patents for all tracts of land bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that 'this conveyance is subject to an easement of 100 linear feet back from a contour of elevation 9 feet above the high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "available," strike out the words "for superintendent's cottage, \$5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "ninety-five thousand one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "In all, \$82,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars," in line 4, strike out the balance of the proposed amendment and insert "additions to dormitories, \$30,000; in all, \$50,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following: "For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, \$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following: "That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Reservations"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 3 of the proposed amendment strike out the words "by the Government of the United States may be made with the approval of" and insert in lieu thereof the words "may be made by."

At the end of the proposed amendment strike out the words "of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out all the proposed amendment and in lieu thereof insert the following:

"The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Okla., and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of \$3,578.63, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of \$3,702.74."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in

conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, \$50,000: *Provided*, That the total cost of this project shall not exceed \$155,000, including the sum of \$35,141.59 expended on this project to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For support and education of Indian pupils at the Indian school at Pierre, S. Dak., and for general repairs and improvements, to be immediately available, \$6,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, \$10,000, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of the Indians herein appropriated for and the manner in which this appropriation shall have been expended."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, after the word "of," strike out the words "lateral distributing systems and the maintenance of existing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert:

"To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, \$15,000, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May 27, 1902, including the sales of lots within the said town site of Theodore."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: At the end of the proposed amendment add the following: "to be reimbursable from the Puyallup 4 per cent school fund"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 6 of the proposed amendment, after the word "thereof," insert "not to exceed \$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In line 4 of the proposed amendment, after the word "timber," insert "now."

In line 29, after the word "feet," strike out the words "in any one year."

At the end of the amendment insert a new paragraph as follows:

"The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, 1911."

And the Senate agree to the same.

On the amendments of the Senate numbered 48, 76, and 82 the committee of conference has been unable to agree.

MOSES E. CLAPP,
P. J. McCUMBER,
WM. J. STONE,

Managers on the part of the Senate.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,

Managers on the part of the House.

The report was agreed to.

Mr. CLAPP. I move that the Senate further insist upon its amendments and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CLAPP, Mr. McCUMBER, and Mr. STONE the conferees on the part of the Senate.

POSTAGE ON PERIODICALS.

Mr. SMOOT. From the Committee on Printing I report a resolution (S. Res. 351), and I ask unanimous consent for its immediate consideration.

The Secretary read the resolution submitted by Mr. PENROSE this morning, as follows:

Resolved, That there be printed 25,000 copies of Senate Document No. 820, Sixty-first Congress, third session, "Letters from the Postmaster General to Hon. BOIES PENROSE relative to the section of the postal appropriation bill that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter," for the use of the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. CULBERSON. Let the resolution go over.

The PRESIDENT pro tempore. Objection is made, and the resolution goes over.

COLLECTOR OF CUSTOMS FOR MONTANA AND IDAHO.

Mr. LODGE. I am directed by the Committee on Finance, to which was referred the bill (S. 9113) fixing the salary of the collector of customs for the customs district of Montana and Idaho, to report it with an amendment, and I submit a report (No. 1180) thereon. I ask for its present consideration. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That hereafter the salary of the collector of customs for the district of Montana and Idaho shall be \$4,000 per year in lieu of the present salary and all fees, commission, and perquisites of every nature allowed or permitted under the provisions of section 2648 of the Revised Statutes or other existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. RAYNER. I desire to ask the Senator from Idaho whether he proposes to ask for a vote this afternoon upon the Sutherland amendment.

Mr. BORAH. I want to continue the consideration of the joint resolution for awhile.

Mr. BEVERIDGE. Vote!

Mr. BORAH. And if we could vote on the Sutherland amendment I should like to do so.

Mr. CARTER. I understand the Senator from Idaho very much desires to proceed with the consideration of the unfinished business. In that behalf I desire to suggest that a number of Senators have requested that an executive session be held this evening, and inasmuch as to my knowledge there are three or four Senators who desire to speak briefly in the morning, I trust the Senator will yield to a motion to proceed to the consideration of executive business at this time. I can go forward with my remarks to-night, but I should like very much to trace the genesis of a certain section to which the Senator has referred, and I should prefer to go on in the morning.

The Senator from Minnesota [Mr. NELSON] desires likewise to be heard briefly before the vote is taken, and I know of other Senators. I think it quite obvious that a vote can not be reached to-night.

Mr. BORAH. I suggest the proposition of taking a recess until to-morrow morning, and then take up this matter immediately on convening to-morrow morning.

Mr. CARTER. I understand the Senator from Indiana desires to make some remarks to-morrow.

Mr. BEVERIDGE. No; I do not. I anticipated that this matter and the other matter of which notice has been given would probably consume to-day and to-morrow. I shall make some observations on Tuesday next, but not before. We ought to get through with this measure to-day and to-morrow. We ought to get through with it to-day.

Mr. CARTER. There is no objection to taking it up immediately after the close of morning business to-morrow, which is very brief in the closing days.

Mr. BORAH. I should like to proceed with this matter for a time. We had an executive session last evening, and there is nothing before the Senate in the way of executive business which is of any particular moment.

The PRESIDENT pro tempore. The joint resolution is before the Senate.

Mr. NELSON. It seems to me we have given time to others to debate it. I should like to make a few remarks, and the Senator from Utah, I know, wants to speak to-morrow, and the Senator from Montana. I do not think it is fair to crowd us to go on this evening.

Mr. BORAH. I would not want to crowd anyone if it were not for the fact that we have only about two more weeks. If I could have consent for a day to vote upon the joint resolution—

Mr. BEVERIDGE. To-morrow.

Mr. NELSON. Let me suggest that we can agree to take this up to-morrow immediately after the reading of the Journal.

Mr. BEVERIDGE. And vote on it before adjournment.

Several SENATORS. No.

Mr. NELSON. No; but take up the case.

Mr. BORAH. I ask unanimous consent that we may take up this matter to-morrow morning immediately after the reading of the Journal.

Mr. LODGE. After the routine morning business. I do not think it desirable to cut off the introduction of bills and the presentation of reports of committees.

Mr. BORAH. I will modify it and say to-morrow, immediately after the routine morning business.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the joint resolution be considered to-morrow immediately after the completion of morning business. Is there objection? The Chair hears none.

Mr. BEVERIDGE. I move that when the Senate adjourns it adjourn to meet at 11 o'clock to-morrow.

Several SENATORS. No; no.

Mr. BEVERIDGE. I submit that to the Senate.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana withdraw the motion?

Mr. BORAH. Was the other matter disposed of?

Mr. WARREN. I hope the Senator will withdraw his motion. We have committees—the Appropriations Committee, for instance—which will be in session to-morrow forenoon. Witnesses have been bidden to come; the Secretary of Agriculture, for one, has been invited to appear as a witness. At this late hour to-day to name an hour as early as 11 o'clock to-morrow would very seriously interfere with the business of the Senate.

Mr. KEAN. I hope the Senator from Indiana will not insist on his motion. The Committee on Interstate Commerce has a very important meeting to-morrow at 10 o'clock.

Mr. BEVERIDGE. Senators ask me to withhold the motion, and I do withhold it for a moment, to make this suggestion to Senators. The reason I make the motion is that I take it everyone wants to dispose of this matter, which has now so long been before the Senate. It ought to be disposed of to-morrow, and therefore I fix, as it is usual to do at this time of the session, especially a short session, 11 o'clock, so the measure may be disposed of. The Senator from Wyoming and the Senator from New Jersey make the very pertinent suggestion that there are committee meetings scheduled for to-morrow. But the answer to that is that beyond all question the debate, before any vote can be had, will take up all of the time when the committees will be meeting, and therefore their members would be deprived not of the opportunity to vote, but merely of hearing the entertaining debates, which I observed this afternoon was not sufficient to chain Senators in their seats.

Mr. President, I make that motion.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. Very well. That takes precedence.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock

p. m.) the Senate adjourned until to-morrow, Friday, February 17, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1911.

UNITED STATES ATTORNEY.

George Du Relle, of Kentucky, to be United States attorney, western district of Kentucky. A reappointment, his term having expired.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Francis H. French, Eleventh Infantry, to be colonel from February 15, 1911, vice Col. Robert K. Evans, Twenty-eighth Infantry, who accepted an appointment as brigadier general on that date.

Maj. Edgar W. Howe, Twenty-seventh Infantry, to be lieutenant colonel from February 15, 1911, vice Lieut. Col. Francis H. French, Eleventh Infantry, promoted.

Capt. Edmund Wittenmyer, Sixth Infantry, to be major from February 15, 1911, vice Maj. Edgar W. Howe, Twenty-seventh Infantry, promoted.

First Lieut. Edward A. Kreger, Twenty-eighth Infantry, to be captain from February 15, 1911, vice Capt. Edmund Wittenmyer, Sixth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1911.

COLLECTOR OF CUSTOMS.

Cornelius W. Pendleton to be collector of customs, Los Angeles, Cal.

REGISTERS OF THE LAND OFFICE.

William Farre to be register of the land office at Burns, Oreg.
John C. Denny to be register of the land office at Seattle, Wash.

POSTMASTERS.

ARIZONA.

John Oscar Mullen, Tempe.
George O. Nolan, Ray.

CALIFORNIA.

William P. Taylor, San Rafael.

COLORADO.

Clayton Whiteman, Hayden.

CONNECTICUT.

William B. Bristol, Stratford.
Charles H. Dimmick, Willimantic.
Thomas Walker, Plantsville.

GEORGIA.

William W. Wade, Maysville.

ILLINOIS.

Silas H. Aldridge, Plymouth.
John C. Beever, Coulterville.
John W. Black, Brookport.
John W. Church, Marissa.
Thomas M. Crossman, Edwardsville.
Victor H. Dumbeck, Silvis.
Frank Fry, Depue.
Charles Scofield, Marengo.
William W. Taylor, Divernon.

INDIANA.

William V. Barr, Bicknell.
Walter Bradfute, Bloomington.
John M. Davis, Columbus.
Harvey H. Harshman, Dunkirk.
Norman T. Jackman, Waterloo.
Cary J. McAnally, Hymera.
William H. Mote, Union City.
Eli T. Steckel, Atlanta.
Laron E. Street, Brookston.
Fred B. Snyder, Brook.
M. Bert Thurman, New Albany.

IOWA.

Charles H. Hoyt, Fayette.

KANSAS.

Lincoln Ballou, Tonganoxie.
H. I. Dolson, McCune.

MARYLAND.

John B. Beard, Williamsport.
William C. Birely, Frederick.
Ulysses Hanna, Frostburg.
John A. Horner, Emmitsburg.
William Pearre, Cumberland.
Morris L. Smith, Woodsboro.

MASSACHUSETTS.

James F. Shea, Indian Orchard.

MICHIGAN.

Charles H. Bostick, Manton.
Charles M. Falls, Wolverine.
Henry J. Horrigan, Ionia.
Fred A. Huty, Grand Haven.
Charles E. Kirby, Monroe.
Charles H. Pulver, Dundee.
Wesley T. Smith, Honor.

MISSOURI.

A. H. Dieterich, Wyaconda.
Henry Grass, Hermann.
Joseph Lake Sharp, Wellsville.
Rolla G. Williams, Illmo.

MONTANA.

William E. Baggs, Stevensville.
Lottie S. Kimmel, Armstead.

NEBRASKA.

William H. Hopkins, Meadow Grove.
Carelius K. Olson, Newman Grove.
Isaac S. Tyndale, Central City.

NEW JERSEY.

Emma Cafferty, Allentown.
A. H. Doughty, Haddonfield.
John H. Nevill, Chrome.
Truman T. Pierson, Metuchen.

NEW MEXICO.

John Becker, Belen.

NORTH CAROLINA.

Willis G. Briggs, Raleigh.
Vann J. McArthur, Clinton.

PENNSYLVANIA.

Abel H. Byers, Hamburg.
Jesse B. Conner, Overbrook.
Samuel V. Dreher, Stroudsburg.
J. W. Grimes, Claysville.
H. C. Gordon, Waynesboro.
Augustus M. High, Reading.
Elizabeth Hill, Everson.
William W. Latta, California.
Edwin R. Miller, Republic.
William J. Minnich, Bedford.
Joseph W. Pascoe, Easton.
Thomas Morgan Reese, Canonsburg.
James P. Shillito, Burgettstown.
William W. Scott, Sewickley.

SOUTH DAKOTA.

Fred de K. Griffin, Selby.

TENNESSEE.

Samuel L. Parker, Sparta.
Noah J. Tallent, Dayton.

TEXAS.

Samuel J. Hott, St. Jo.
Hugo J. Letzerich, Harlingen.
David H. Mitchell, Ovalo.
Arthur N. Richardson, Electra.
John B. Schmitz, Denton.
Jacob J. Utts, Canton.
Wilber H. Webber, Lampasas.

WASHINGTON.

Fred W. Miller, Oakesdale.
Emery Troxel, Connell.

WITHDRAWAL.

Executive nomination withdrawn February 16, 1911.

Phillip S. Malcolm, of Oregon, to be collector of customs for the district of Portland, in the State of Oregon.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 16, 1911.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to say that there is some business upon the Speaker's table that, in the judgment of the Chair, at this stage of the session ought to be disposed of if it can be. There are several conference reports also touching the Army bill, and perhaps the legislative bill, that, in the judgment of the Chair, ought to be brought to the attention of the House. The business on the Speaker's table is the first business in order, and the Speaker will try to lay it before the House. The Speaker lays before the House from the Speaker's table the following Senate bill, with a similar bill substantially the same on the House Calendar. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 10583) to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia.

Be it enacted, etc., That section 4 of the act of Congress approved February 7, 1857, entitled "An act to extend the charter of the president and directors of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia," is hereby amended so that authority is given the said insurance company to write fire insurance on real and personal property wherever located and being, and shall no longer be limited solely to the District of Columbia, as now.

The bill was ordered to be read a third time, was read the third time, and passed, and a similar bill, H. R. 32724, on the House Calendar was ordered to lie on the table.

BONDS FOR BUILDING OF PANAMA CANAL.

Mr. HILL. Mr. Speaker, I ask to take from the Speaker's table the bill S. 10456, a similar House bill being on the calendar.

The SPEAKER. The Chair again lays before the House the following Senate bill, a similar bill being upon the House Calendar.

The Clerk read as follows:

A bill (S. 10456) to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes.

Mr. HILL. Mr. Speaker, I understand there is an understanding that the bill shall not come up unless there is a quorum present. A member of the Ways and Means Committee on the other side is present, and I therefore withhold it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10452. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigable rivers.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths;

H. R. 32473. An act for the relief of the sufferers from famine in China;

H. R. 25569. An act to authorize a patent to be issued to Margaret Padgett for certain public lands therein described; and

H. R. 31063. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 10583. An act to amend the charter of the Firemen's Insurance Co. of Washington and Georgetown, in the District of Columbia.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 10452. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River; to the Committee on Interstate and Foreign Commerce.

WILLIAM M. WIGHTMAN, DECEASED.

The SPEAKER laid before the House the bill (H. R. 24123) an act for the relief of the legal representatives of William M. Wightman, deceased, with Senate amendment.

The Senate amendment was read.

Mr. PRINCE. Mr. Speaker, I move that the House agree to the Senate amendment.

The Senate amendment was agreed to.

STOREKEEPERS AND GAUGERS.

The SPEAKER also laid before the House the bill (H. R. 27837) an act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers and gaugers and storekeeper-gaugers, in certain cases, to \$2 a day, and for other purposes, with Senate amendment.

The Senate amendment was read.

Mr. LANGLEY. Mr. Speaker, I move to concur in the Senate amendment with an amendment. That word "now," which the Clerk has read as a part of the Senate amendment, was a pencil memorandum which I made on it to indicate where my amendment which I now offer should be inserted.

The SPEAKER. The Clerk will read it without the pencil memorandum.

The bill was read as directed.

Mr. LANGLEY. Mr. Speaker, I move to concur in the Senate amendment with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Line 4 of the Senate amendment, after the words "compensation is," insert the word "now," so it will read:

"Where the compensation is now less than \$3 a day," etc.

Mr. HUGHES of New Jersey. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. HUGHES of New Jersey. Is this one of the bills to increase the compensation of the gaugers? Is that the purpose of the bill?

Mr. LANGLEY. I will state for the information of the gentleman from New Jersey, and of the House, that this bill, which increases the salaries of storekeepers, gaugers, and storekeeper-gaugers, in certain cases, from \$2 to \$3 a day, passed the House some time ago. When it was being considered in the House an amendment, suggested by the gentleman from Illinois [Mr. MANN], was accepted by the gentleman from Connecticut [Mr. HILL], chairman of the committee reporting the bill, and by myself. I learned afterwards, in talking with the Commissioner of Internal Revenue about the matter, that the phraseology agreed to by the House was such that it might be construed to exclude from the benefits of the bill the class of men whose salaries it was intended to increase, in certain cases where these men were given other assignments than those named in the bill as it passed the House, which was, of course, not the intention of the gentleman from Illinois, nor of any of us. After the bill had been reported by the Senate committee, with amendment, I discovered what I believed to be an error in the phraseology of the Senate amendment. I conferred with the Commissioner of Internal Revenue, and he agreed with me that the insertion of the word "now," as I am proposing, ought to be made in order to make the meaning perfectly clear and avoid any necessity for construction or regulation to straighten it out. I also submitted the matter to the Senate Committee on Finance, or, rather, to the Senator having the bill in charge, and he agreed that the amendment was proper and that he would arrange to have it offered on the floor as a committee amendment when the bill came up in the Senate. After the bill passed the Senate yesterday he told me that, through an oversight, the amendment was not offered; hence the necessity of this further amendment, which, I am assured, will be promptly concurred in when it is reported to the Senate.

Mr. HUGHES of New Jersey. I would like to ask the gentleman if he has any other legislation before this House than legislation to increase the salaries of gaugers in Kentucky.

Mr. LANGLEY. Of course, the gentleman is talking facetiously now. He is always most entertaining when he talks in that vein. If he will kindly read the RECORD for the past four years he will find that I have advocated and have been instru-

mental in having passed a good many measures in addition to measures for the relief of revenue men, although I have done all I could for them and have been glad of the opportunity of doing so.

Mr. HUGHES of New Jersey. But all legislation of this kind has carried amendments increasing the salaries of the gaugers.

Mr. LANGLEY. No; the gentleman is mistaken about that. Mr. HUGHES of New Jersey. How much are the salaries of the Kentucky gaugers in excess of the salaries of the Judges of the Supreme Court?

Mr. LANGLEY. Again the gentleman seeks to be facetious. I wish it was a little nearer than this bill makes it. The Supreme Court Justices get more in a month than these men do in two years. I want to help the boys some who do the hard work and get almost nothing for it.

Mr. HUGHES of New Jersey. Ever since the gentleman has been in the House, it seems to me, and ever since I have been in the House, each session we have had a measure before the House to increase the salaries of the gaugers. How much are they actually receiving?

Mr. MANN. This is the first time it has gotten to a vote.

Mr. LANGLEY. We had some legislation at the last session that was of some slight advantage to them; but, as the gentleman from Illinois [Mr. MANN] says, this is the first increase in their salaries that has been made. In advocating this legislation I want to remind the gentleman that I am working for the interests of the whole country, not alone Kentucky employees but employees in various States will be benefited by it.

Mr. HUGHES of New Jersey. I do not propose to oppose this bill, but I would like to ask if there are any lame ducks interested in this legislation.

Mr. MANN. This only allows \$3 a day.

Mr. LANGLEY. If they are interested, with a view to getting one of the places, as I infer the gentleman means, they will not get very much.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman if this is the amount that was carried by the bill when it left the House.

Mr. LANGLEY. It is the same amount, or, rather, it does not raise the \$3 limit. The House bill provided not exceeding \$3 a day for these men.

Mr. MANN. The bill provided not less than \$3 a day, and this fixes it at \$3 a day.

Mr. MACON. So it can not get below \$3?

Mr. LANGLEY. It can not. The Senate amendment merely covers certain assignments which the amendment offered by the gentleman from Illinois in the House the other day did not cover—assignments which these same men sometimes get and which, but for the Senate amendment, would or might remain in the \$2 class. That was not the purpose of the House in passing the bill.

Mr. MACON. What is the necessity for increasing the compensation? Simply to put more dollars in the pockets of these gaugers?

Mr. LANGLEY. This matter was fully discussed in the House a few days ago and—

Mr. SIMS. The distillers pay it, anyway.

Mr. LANGLEY. No. We are seeking to give them a rate of compensation that will enable them to live and at the same time improve the service.

Mr. MACON. In response to what the gentleman from Tennessee [Mr. Sims] said about distillers paying—

Mr. SIMS. I asked if the compensation was not paid by the distillers and not by the Government of the United States. How is that?

Mr. LANGLEY. Oh, no; they are Government employees and are of course paid by the Government. The commissioner stated in his hearing before the committee that the amount of increase that this bill carries will be many times returned to the Government as the result of the improvement in the personnel of the service and the prevention of frauds at small distilleries, and so forth.

Mr. MACON. How do you expect to improve the service? Do not the present gaugers do their duty for the compensation they are now receiving?

Mr. HILL. Will the gentleman from Kentucky [Mr. LANGLEY] allow me to answer that question?

Mr. LANGLEY. Yes.

Mr. HILL. The Commissioner of Internal Revenue advises us that there is no economy in the employment of \$2 men, because they frequently have to employ special agents at \$6 and \$7 a day to watch them. [Laughter.]

The trouble about the matter is that the compensation is so small that the civil-service employees who are eligible refuse to take the assignments, and they have had to make a special provision by which the civil-service regulations can be waived for all of these employees who get less than \$500 a year; and they have to pick up men wherever they can get them, and they are not getting satisfactory men. I think the gentleman will appreciate the fact that this is a matter of economy. Seventy-five per cent of all the frauds on the revenue, so far as illicit distilling is concerned, is found in these small distilleries with a capacity of 20 bushels a day. Those are the ones that are watched by these men, and when the gentleman realizes that the revenue to the Government is anywhere from \$100 to \$150 a day from any of these distilleries in full operation he will see how utterly absurd it is to put them in charge of men at \$2 a day and compel them to board themselves, and in most cases having them board with the distiller himself, in the mountains, where there is no other place to board. It is a question of economy; that is all.

Mr. LANGLEY. It will not only improve the service but the quality of the liquor also. [Laughter.]

Mr. MACON. Will the gentleman allow me to ask him if he thinks he can secure men to perform this service at \$3 a day who will not require any watching? [Laughter.]

Mr. HILL. The commissioner thinks he can do a great deal better than he is doing now. He thinks he can. He thinks it is a matter of pure economy and good service.

Mr. MACON. I want to say as to that, Mr. Speaker—

The SPEAKER. This bill is before the House for consideration. The gentleman from Kentucky has the floor. Does he yield to the gentleman from Arkansas?

Mr. LANGLEY. Mr. Speaker, I yielded to the gentleman from Connecticut [Mr. HILL], at his request, to answer the question of the gentleman from Arkansas [Mr. MACON], the gentleman from Connecticut being chairman of the committee that reported the House bill.

The SPEAKER. Who is entitled to the floor now?

Mr. MANN. The gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. I think I am entitled to the floor, Mr. Speaker.

The SPEAKER. To whom does the gentleman from Kentucky yield?

Mr. LANGLEY. I yielded to the gentleman from Arkansas [Mr. MACON].

The SPEAKER. For what purpose did he yield time?

Mr. LANGLEY. I understood it was only for a question.

The SPEAKER. The gentleman from Arkansas [Mr. MACON] is recognized for a question.

Mr. GARNER of Texas. Mr. Speaker, I understand—

The SPEAKER. Now to whom does the gentleman from Kentucky yield?

Mr. LANGLEY. If the gentleman from Arkansas does not want to press his question, then I yield to the gentleman from Texas [Mr. GARNER].

Mr. MACON. Mr. Speaker, I was asking the gentleman from Connecticut [Mr. HILL], when I was interrupted, if the department believed that it would not require \$5 and \$6 men to watch the \$3 men?

Mr. HILL. They so state in their official communication.

Mr. MACON. How many \$5 or \$6 men do they need to watch the \$2 men?

Mr. HILL. They have to visit the distilleries very frequently, and the Commissioner of Internal Revenue says that 50 per cent or more of all the frauds on the revenue were found under these \$2-a-day men, but he informed the committee that 75 per cent of all the frauds on the revenue were found there.

Mr. MACON. How many gaugers are involved in this proposition?

Mr. HILL. Probably 250. More than that, however, this is a matter of economy.

Mr. LANGLEY. The total number is less than 300 at any rate.

Mr. SIMS. May I ask the gentleman a question?

Mr. LANGLEY. I yield, Mr. Speaker, to the gentleman from Tennessee [Mr. SIMS] to ask a question.

Mr. SIMS. I want to ask the gentleman from Connecticut [Mr. HILL] this, because he has had much experience: Does the gentleman believe the increase of salary of \$1 a day would make honest men out of these dishonest \$2-a-day men?

Mr. HILL. I believe, myself, as a Representative in Congress and as a business man, that the wisest economy that can be exercised by the Government in this matter is to accede to the request of the Commissioner of Internal Revenue on this proposition. The present Secretary of the Treasury, and Mr.

Cortelyou before him, and the Secretary before him, Mr. Shaw, and other Secretaries, as far back as I know, have, every one of them, urged this legislation.

Mr. SIMS. I know; but do not you think \$3 a day is too little to secure the object and purpose of it?

Mr. HILL. Let us try it at \$3 before going any higher.

Mr. MANN. Mr. Speaker, will the gentleman from Kentucky yield for a suggestion?

Mr. LANGLEY. Certainly.

Mr. MANN. This bill passed the House the other day by unanimous consent. As it was originally brought in it covered a great deal more.

Mr. LANGLEY. There is a difference of opinion as to that. Mr. HILL. And it has also passed the Senate.

Mr. MANN. It passed the House by unanimous consent; and in the House there was a provision making the salary not less than \$3 a day, with the statement by the gentleman from Kentucky [Mr. LANGLEY] at the time that the purpose of the bill was to fix the salary at \$3. That is the bill that is now before the House.

Mr. LANGLEY. That is correct.

Mr. MANN. In the form in which it comes from the Senate a word has been inadvertently left out of the amendment which directly fixes the salary at \$3 a day, as the gentleman from Kentucky has already explained.

Mr. LANGLEY. The amendment makes the purpose of the bill perfectly clear, and removes an apparent contradiction, and that is the only object or effect of it.

Mr. MANN. It has already been disposed of by the House.

Mr. LANGLEY. Yes; and there was really no question before the House to provoke all this discussion. Both Houses have already passed on the only material point in the bill—the question of increase of salary.

The SPEAKER. The question is on concurring in the Senate amendment with an amendment.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLET. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 29360), and I ask unanimous consent that the statement may be read instead of the report.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the legislative appropriation bill, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk proceeded to read the statement of the House conferees.

[For conference report and statement of the House conferees, see CONGRESSIONAL RECORD of February 13, 1911, page 2461.]

Mr. HULL of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULL of Iowa. Has this report been printed under the rule?

The SPEAKER. It has been printed in the RECORD under the rule.

Mr. GILLET. Mr. Speaker, this is not a complete agreement. There were between 200 and 300 Senate amendments, and we have come to an agreement on all but about 12.

Of that part of the report upon which there was an agreement I think I ought to say that the conferees all signed it. Col. LIVINGSTON, the representative of the minority, is ill this morning and is not able to be here, but he was in accord with the report.

Now, I first move that the House agree to the conference report, and then afterwards the matters which were left in dispute will be taken up one by one.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield for a question?

Mr. GILLET. I yield to the gentleman.

Mr. COX of Indiana. I have not the amendment before me, but I have in mind the Second Assistant Deputy Commissioner of Pensions. I believe that is his title. If I remember correctly when this bill was before the Committee of the Whole in the House the gentleman in charge of the bill stated that the Commissioner of Pensions had stated to the committee that there was no necessity for this officer. The bill was reported by the Appropriation Committee to the House leaving out that officer. Now I find it has been placed in the bill at the other end of the Capitol.

Mr. GILLET. The gentleman's statement is correct.

Mr. COX of Indiana. Can the gentleman assign any reason why that officer was placed back in the bill?

Mr. GILLET. Mr. Speaker, it is a little embarrassing to me to answer that question, because there was a contest on the

floor of the House in which I took the ground that inasmuch as the Secretary had recommended that he did not need that official it ought to be left out, and the House voted in that way. The Senate put it back and the House conferees, or rather, I may state frankly, a majority of them, yielded to the Senate.

Mr. FITZGERALD. Mr. Speaker, I desire to say that my recollection is that the House had two opportunities to pass on the question when the bill was under consideration in the Committee of the Whole House on the state of the Union. Amendments in different forms were offered in order to restore to the bill the Second Deputy Commissioner of Pensions. The House refused to adopt either amendment, and showed unquestionably what the position of the House was on that question. It seems to me to be somewhat extraordinary for the conferees on the part of the House, in view of that record, to agree on that item at its first conference and bring it in in agreement with other items, particularly in view of the fact that other matters are brought back in disagreement. It seems to me that the conferees should be able to give some good reason for yielding on that amendment at this particular time.

Mr. GILLET. As I said before, it is a little embarrassing to me because I do not know that it is improper for me to say that I was against yielding. My two colleagues were in favor of yielding, but neither of them are present.

Mr. FITZGERALD. It is unfortunate that nobody is able to give an explanation for such extraordinary conduct on the part of the members of the conference committee, who are supposed to represent the attitude of the House and not their own personal preference in this matter.

Mr. FULLER. Mr. Speaker, I am not a member of that committee and can not answer as to what influenced them, but the position that the gentleman from New York takes would be such that there never could be an agreement by a conference where there was a difference of opinion between the two Houses. One House or the other is compelled to yield. Upon this amendment which the Senate incorporated in the bill the House conferees yielded. In other matters the Senate conferees yielded. There never can be a settlement of these questions unless one side or the other does yield.

I may perhaps state, Mr. Speaker, that a reason exists for the amendment as proposed by the Senate which did not exist at the time the matter was up before the House. It was then stated that the business of the Pension Office was falling off and that they did not require as much help there as they had required before. Since that time the House has passed a general pension law that will make a vast amount of extra work if it should become a law during the next year or two. That bill has not only passed the House, but has been favorably reported by the committee of the Senate and is on the Senate calendar and undoubtedly will pass. So, if there ever was need of two deputy commissioners of pensions, that necessity still exists to a greater extent during the next year or two than ever before, and this will be the case if any new legislation is enacted.

Mr. FITZGERALD. Mr. Speaker, I doubt very much whether the gentleman from Illinois has contributed very much valuable information to this situation. His argument might properly have been addressed to this House had the item been brought back in disagreement. It seems that somebody has urged on the conferees the view that that position will be necessary because the House passed what is known as the Sulloway pension bill, which has been favorably reported to the Senate. But it is a matter of common rumor that the bill was reported to the Senate, and may possibly pass there, because of the well-known fact that if it does pass both Houses it will be vetoed by the President.

Mr. FULLER. How does the gentleman know that fact?

Mr. FITZGERALD. It seems to me that the information the gentleman from Illinois contributes has not been of any advantage to the House. This is the fact. This one position was twice voted upon in the House before the bill left the House.

Mr. FULLER. No; only once.

Mr. FITZGERALD. And the House on two occasions upon the motion of the gentleman from Illinois [Mr. FULLER] attempted to place this position in the bill. The House on both occasions declined to accept his amendment, and then, disregarding the action of the House, indifferent to what the House does, these conferees apparently accepted the arguments of the gentleman or somebody else in the conference, and by its action repudiates the action of the House taken on two occasions and brings back this item restored to the bill. As far as I am concerned, I do not propose to vote to adopt an agreement which contains this position placed in the bill in such a way. It may be possible there are good reasons for retaining this office, but certainly better reasons should be urged than those given by the gentleman from Illinois, because the press of this city and

well-informed Members of this House are repeating continually that the President of the United States has let it be known that if the bill to which he refers, which he says will necessitate the work requiring this position, passes both Houses of Congress, it will be vetoed by the Executive.

Mr. FULLER. How does the gentleman know that fact, and who authorizes him to speak for the President of the United States?

Mr. FITZGERALD. Oh, I am not attempting to speak for the President of the United States. I have more sense than to attempt to do so. I am stating what are well known facts. It is not necessary for me to speak for the President. There are certain methods by which the White House permits information about the action that will be taken on certain matters to permeate this town, and Members well know that when information of that character is permitted to leak out, it is taken as a hint not by Members of the minority, but by very prominent Members of the majority, as to the necessity of acting one way or another on matters of importance. That has been so recently demonstrated it should not be necessary to recall it to the gentleman from Illinois.

Mr. FULLER. What is the special reason that this single item should be singled out by the gentleman from New York? Why this one when there are numerous other items in the bill?

Mr. FITZGERALD. The special reason is that there is less excuse for the continuance of this particular position than of any other position in Washington, and the House on two occasions during the consideration of the bill so decided; and the least the House has the right to expect was that those representing the House would not surrender and report the provision back in agreement.

Mr. FULLER. I understand and am reasonably informed that every member of the conference committee agreed to this matter as now reported, except the gentleman having charge of the matter here, and it was a vote of 5 to 1 on the conference committee that the second deputy should be retained.

Mr. FITZGERALD. Three represented the Senate, and we expected that much, and two represented the House, and the other Member representing the House, in charge of the bill, made the statement that he was not in favor of yielding on this item.

Mr. FULLER. And he is the only one on that committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Speaker, it is true that, ordinarily, where the House or the Committee of the House votes directly upon a particular item the conferees do not yield at the first meeting of the conferees, and possibly it would have been wiser in this case to have reported a disagreement on this item. Yet it does not seem to me to be worth while to reject the conference report at this stage of the session because of a feeling of a majority of the House, perhaps, that this official should not be continued during the next fiscal year. The time of the House just now is more valuable on other matters than it is sending this whole thing back to conference, in my judgment.

Mr. FITZGERALD. Does not this bill have to go back to conference anyway, as there are a number of items reported in disagreement, and how is the time wasted?

Mr. MANN. The gentleman is partly right and partly wrong. The items in disagreement go back to the conferees.

But if we reject this conference report every item in the disagreement goes back to conference, and we are practically no nearer a solution of the problem than we were when we commenced. We have not any time to waste during the balance of this session. This item only involves the continuance of one officer in his place during one fiscal year. There is a dispute as to the necessity of that officer. When the matter was in the Committee of the Whole House in the House I voted against retaining the office, but I do not believe it to be wise now to reject the conference and take up more time of the House over this so that we will be unable to properly consider items in other appropriation bills, where the House will be able to save dollars as against cents that would be saved if this item were stricken from this bill.

Mr. COX of Indiana. Will the gentleman from Massachusetts yield me two minutes?

Mr. GILLET. I yield the gentleman two minutes.

Mr. COX of Indiana. Mr. Speaker, I quite agree with the gentleman from Illinois in much of what he says in reference to the closing hours of this session, and too much time ought not to be occupied upon these matters, but, in my judgment, there is more involved in that than the question of a few dollars. There is a question of principle involved in it. The House was informed when this bill was under consideration and this item was left out that the Commissioner of Pensions

had said that they could get along without such an officer. They say it only involves an expenditure of \$3,600, and yet when the Congress is told by the head of one of the great bureaus of the Government that they can release a man who is drawing a salary, in my judgment, and in the interest of economy, we ought to heed the advice of the head of that bureau. As has been well said, Congress is drawing to a close, but, in my judgment, there is nothing to hinder us from holding night sessions and fighting all these matters out if they ought to be fought out.

Mr. MANN. If the gentleman will pardon me, it is quite certain that we will have to hold night sessions and very likely have to meet at 10 o'clock in the morning and also hold night sessions. Then we will not have time enough.

Mr. COX of Indiana. I will say to the gentleman from Illinois, we will welcome such sessions as those beginning at 10 o'clock in the morning, and holding night sessions if need be, to dispose of this business. There is a cry going up everywhere in the interest of economy, and I want to commend the gentleman in charge of the bill for opposing this item; I want to commend the gentlemen upon that side of the House who have stood for economy, but if we are honest in our demands for economy here is a chance where we have an opportunity of showing whether in reality we are for or against it.

Now, the gentleman from Illinois says that we can utilize the time in other ways and possibly save millions of dollars. Here is the place where we can begin to save a part of a million of dollars—a useless office done away with in the House after a vote twice here taken upon it, and yet at the other end they force that officer upon us, and our conferees yielded upon it. I do believe, Mr. Speaker, that this conference report ought to be voted down, and let it go back and the conferees given notice that we desire to see whether we can get any better agreement out of the bill than has been obtained heretofore. Almost \$100,000 was added to this bill at the other end of the Capitol in the way of increases of salaries—\$99,000, in round numbers. I ask the gentleman from Illinois whether it is in the interest of economy that we yield upon this proposition or whether or not it would be in the interest of economy to refuse to yield and let the House take a vote upon it.

Mr. GILLET. Mr. Speaker, I now yield to the gentleman from Minnesota [Mr. TAWNEY].

COMMUNICATION FROM THE SENATE.

The SPEAKER. The Chair desires at this point to lay the following communication before the House from the Senate, which the Clerk will read.

The Clerk read as follows:

Senate resolution 349.

Resolved, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

The SPEAKER. The Chair will state that the Journal of the House shows the Speaker has already signed the enrolled bill that was referred to, but in some way the same has been lost or misplaced; and the Chair therefore has signed a duplicate which the Senate has sent here.

The Clerk will report the title.

The Clerk read as follows:

A bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker when this matter was under consideration in the House I favored dropping the office of one of the Deputy Commissioners of Pensions. But, acting within their jurisdiction and in the discharge of their duties, the conferees receded from our disagreement to the Senate amendment, restoring that office, and now it is proposed to defeat the entire report simply because the conferees have not acted in accordance with the judgment or the wish of a few Members of this House.

I want to call the attention of the House to this fact, that we are rapidly approaching the closing hours of this session; that we have up to this time passed only one-half of the appropriation bills through the House; that we have not yet considered a single conference report on any of the important appropriation bills. If we are going to waste the time of the House by defeating this report and sending all of the amendments of the Senate to the legislative bill back to conference, and they can come in here and consume several hours in the consideration of this report a second time, it will not be the fault of the Committee on Appropriations or the fault of those who

believe in disposing of this report if in the closing hours of this session we are obliged to pass under suspension of the rules important appropriation bills carrying hundreds of millions of dollars. We have six appropriation bills yet to dispose of in this House, and we have conference reports in addition to dispose of, and now we are proposing to waste more time by defeating this report. If that is done, we will waste far more than we would gain by ultimately dropping this position. I hope, therefore, the report will be adopted.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. TAWNEY. Yes, sir.

Mr. COX of Indiana. I find in the report that the House has receded from 141 amendments, and the Senate only receded from 38 amendments. Does the gentleman think that is a fair divide?

Mr. TAWNEY. That, Mr. Speaker, is a criticism that is made of the conferees very frequently in this House, especially on the legislative bill, when the gentleman from Indiana [Mr. Cox] knows, as every other Member of this House does, that one single Member, exercising his right as a Member, may, by making points of order on this bill, prevent any change whatever as to salaries, positions, or anything covered by the bill. Does the gentleman from Indiana think for a moment that if the House had had the opportunity of considering all of the amendments taken out of the bill on points of order it would have rejected them?

Mr. COX of Indiana. I do not know.

Mr. TAWNEY. He does not know, nor does any other Member of the House know, and yet when we enter a conference the conferees must necessarily exercise their judgment as to what amendments were taken out on points of order that the House would have agreed to in the event it had had the opportunity, and they are simply exercising the rights they possess when they recede and concur in Senate amendments that merely restore original House provisions.

Mr. COX of Indiana. The gentleman propounds to me a query, and I want to say in response that, in my judgment, if the House had had a chance to vote, instead of using a point of order upon the increased salaries which the Appropriation Committee reported to the House, the Appropriation Committee would not have been sustained.

Mr. GILLET. Then what is the use of making a point of order?

Mr. COX of Indiana. Because that is the shorter way out of it.

Mr. HULL of Iowa. Mr. Speaker, I would like to suggest to my friend from Minnesota this further fact; that if these bills, rejected in the Senate, came to the House for amendment, the reverse would be largely true as to the agreement.

Mr. TAWNEY. Absolutely true.

Mr. HULL of Iowa. The Senate, exercising its right, adopts many measures that both Houses are in favor of when it comes to a show-down.

Mr. TAWNEY. I simply want to impress upon the House the fact that if we defeat this report on account of the acts of our conferees, we will consume more time in further consideration of the conference report on the legislative bill, and a great deal more time than the salary of this office and a great many offices would amount to in the aggregate for the next fiscal year, and, independent of the merits of the proposition, it is the part of good judgment and business sense for us to adopt this report and settle the matter.

Mr. GILLET. I yield to the gentleman from Illinois [Mr. GRAFF], my colleague on the committee.

Mr. GRAFF. Mr. Speaker, I did not get into the House until just a few minutes ago, after the question of our receding to the Senate amendment with relation to the second deputyship of the Pension Bureau had been taken up. Everybody knows that there remain a very few days until the end of this session. It was therefore incumbent upon the conference committee—

Mr. BUTLER. Mr. Speaker, why can we not hear?

The SPEAKER. The House will be in order.

Mr. GRAFF. It was incumbent upon the conference committee to carry out in good faith the promise made by the gentleman from Massachusetts [Mr. GILLET] to certain inquiring Members of the House at the time we left the House to go into conference on this bill, and he promised that certain specific items should be brought back to the House for consideration. We fulfilled that agreement with reference to these other items. With reference to this deputyship in the Pension Bureau, it was apparent that the Senate would not yield on that subject.

Mr. TAWNEY. If the gentleman will permit me right there, I may say that any Member of the House had the opportunity of excepting this amendment at the time the other amendments were excepted if he desired to do so.

Mr. FITZGERALD. But the House voted this amendment down twice in committee.

Mr. TAWNEY. I understand that. But the members of the House conference committee had a right to assume that when the House was demanding the right to vote on certain amendments and did not demand a separate vote on this amendment that they were free to recede and concur or not, as they saw fit.

Mr. COX of Indiana. I remember on that occasion that several gentlemen insisted that the conferees should have a free hand.

Mr. GRAFF. In addition to that, as to the merits of the question, if the Senate should pass the Sulloway bill or a similar bill, the work of the Bureau of Pensions will be largely increased by that legislation.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. GRAFF. Yes.

Mr. COX of Indiana. Has the gentleman any information since the Sulloway bill was passed by the House that, even if it were to pass the Senate and become a law, this officer would be needed down there in the bureau to carry out that law?

Mr. GRAFF. I do believe he will be needed.

Mr. COX of Indiana. I asked the gentleman if he has any information on that point.

Mr. GRAFF. My information is based upon a personal observation during a period of 16 years, when I have had occasion to visit the Pension Bureau perhaps as often as any other Member of Congress. I happen to come from a part of the State of Illinois which has a large number of soldiers, and I know from observation and from information obtained from those who are interested in the Pension Bureau—those special examiners with whom we come in contact—that the business under the second deputyship is larger in amount than the business under what is known as the first deputyship. There is no merit in the contention that this second deputyship ought to be dispensed with under present conditions.

But, Mr. Speaker, the main reason which moved the conferees of the House to recede and yield to the contention of the Senate was that it was quite apparent that this was one item upon which the Senate would continue to insist and that the House would have to finally recede; and therefore, in the interest of the expedition of business and the passage of this appropriation bill, it was thought wise to leave unsettled differences only upon those subjects where there was an opportunity, or at least a substantial hope, that the House might obtain a recession of the Senate upon the insistence of the House.

Mr. KOPP. Will the gentleman yield?

Mr. GILLET. Certainly.

Mr. KOPP. In the schedule of wages throughout the departments, is it not a fact that firemen receive \$720 a year?

Mr. GILLET. That is the regular rate.

Mr. KOPP. Then, can the gentleman explain why it is that in this bill, in the Treasury Department, provision is made for three firemen, and then five firemen at \$660 a year?

Mr. GILLET. Will the gentleman refer to the page on which the item occurs?

Mr. KOPP. On page 39.

Mr. TAWNEY. If the gentleman from Massachusetts [Mr. GILLET] will permit me, I think he had in mind the uniform compensation allowed to watchmen. There is no uniform compensation allowed to firemen; it is \$720 a year unless otherwise provided in the appropriation bill.

Mr. KOPP. Then, may I ask, how is the compensation of the firemen determined?

Mr. TAWNEY. By the amount of work they do and the number of boilers they have to attend to.

Mr. KOPP. If the gentleman will wait until I complete my question, he can answer it more intelligently. How is the compensation determined for one fireman?

Mr. TAWNEY. It depends altogether on the capacity of the boilers and the amount of the work that he has to do.

Mr. KOPP. When it says "one fireman," there must be some salary fixed.

Mr. GILLET. I think the gentleman from Minnesota is mistaken. I think there is a statutory salary for firemen at \$720.

Mr. KOPP. That is correct. Now, Mr. Speaker, in no department of this Government are there firemen who receive less than \$720 per year, except in the Treasury Department. My

attention was called to this after the legislative bill had passed the House, so I could not call the attention of the House to it here when that bill was under consideration. I investigated and found that in that department for years there had been five firemen drawing \$660 who were doing the same work, side by side, boiler by boiler, with those who are drawing \$720. Now, I am informed that the Secretary of the Treasury recommended that this be increased, and the Senate adopted an amendment fixing this compensation at \$720 per year instead of \$660. Our conferees have refused to concur in that amendment and so it has been stricken out.

Now, Mr. Speaker, in this bill there are any number of salaries of those higher up which have been increased, and I am not so narrow as to claim that in most cases they are not entitled to it, but I do say that in the attempt to do justice to those who are higher up gentlemen ought not to forget the poor fellows who are lower down and who are trying to live on \$55 a month. There are five of them who are affected by this item. Four of them have families. They are white men and are trying to live like white men, and I can not see why these five firemen should be discriminated against when every other fireman in every other department is drawing \$720 per year. So far as I am concerned I am ready to send this bill back to conference on that proposition alone. The humble employee is just as much entitled to consideration as the one more prominent. I believe that some of us at least ought to be willing to see that the poor fellows get justice as well as those who are higher up and who may also be entitled to it.

Mr. KITCHIN. The House conferees saved the Government \$300 in this matter, did they not?

Mr. KOPP. Yes.

Mr. KITCHIN. You ought to give them credit for that saving, as a matter of economy, ought you not?

Mr. KOPP. They saved the Government \$300 at the expense of these five poor men and their families. This is not economy, but it is a great injustice to these employees. I trust that the conferees will reconsider this item and see that justice is done to those involved.

Mr. GILLETT. I yield five minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, it is asked here that we pass this conference report in the interest of the expedition of the public business. That argument is urged now despite the fact that we dawdled away four or five hours yesterday afternoon without any serious attempt to transact business. It is argued that time has become of so much importance to-day that we should yield upon a proposition upon which the House twice voted, by an overwhelming majority, to dispense with the services of an official who practically everybody in the House and in the department admitted was absolutely useless. As was said in the debate before, this position is a sort of vermiform appendix upon the Pension Department. But yet you see that one determined place holder, supported by one determined Member, can "play horse" with the whole House of Representatives. Now, I have no particular desire to come here at 10 o'clock in the morning and stay until 12 o'clock at night. Of course, I have no such desire, but I am perfectly willing to raise this issue right here and now, and let us determine whether or not this body is to hold the purse strings of the Nation. If this proposition had gone out upon a point of order, the argument made by the gentleman from Minnesota [Mr. TAWNEY] might have some force, but twice we solemnly and deliberately voted that this official should no longer be carried upon the pay rolls of the Nation; and no argument has been brought back here to us to justify the action of the conferees in failing to carry out the wishes and sentiment of this House.

I was amazed when I learned that the proposition under discussion was this official upon whom we spent almost an entire afternoon. I thought he was dead beyond redemption, but it seems only to have been a case of suspended animation, and he is back here as lively as ever, having more lives than a cat. [Laughter.] The gentleman from Illinois has already covered himself with glory. He has done enough this session to make him secure forever in the affections of the people whom he represents. Fifty million dollars a year increase ought to be enough for the gentleman, so that he would let this House have the little paltry sum of \$2,500 a year.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUGHES of New Jersey. No; I can not yield. I want to say, as an exhibition of effrontery and cheek, this surpasses anything that has happened here in a long time. [Laughter and applause.]

Mr. GILLETT. Mr. Speaker, I demand the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is, Will the House agree to the conference report?

The question was taken; and on a division (demanded by Mr. HUGHES of New Jersey) there were 130 ayes and 78 noes.

Mr. HUGHES of New Jersey. I demand tellers.

The SPEAKER. Tellers are demanded. [After counting.] Thirty-one gentlemen have arisen, not a sufficient number, and tellers are refused.

So the conference report was agreed to.

Mr. GILLETT. Mr. Speaker, having now disposed of the conference report, the matters which were left to be considered by the House in disagreement will come up, and I move that the House further insist on its disagreement to all these amendments. I presume that on a great many of them there will be no occasion or desire on the part of the House to consider them separately, and therefore I make that motion on all the amendments, and I will ask if there are any particular amendments which Members wish to consider separately.

The SPEAKER. Is a separate vote demanded on any one amendment? If not, the vote will be taken on all.

Mr. FITZGERALD. Mr. Speaker, I desire to ask the gentleman a question. If the gentleman intends to insist in the conference on a disagreement, that is one thing; but if he simply wants to get back into conference, so as to adjust some of these matters, that is different. All the matters brought back in disagreement are items on which there was some desire to have an expression of the House.

Mr. TAWNEY. Not on all of them.

Mr. FITZGERALD. If the gentleman from Massachusetts and the conferees favor some of these items, they should test the sense of the House by moving to concur in them, and not take this method, which will mislead the House.

Mr. GILLETT. The gentleman from New York is mistaken when he says that all the items were specially reserved at the request of the House.

Mr. FITZGERALD. All but one.

Mr. GILLETT. No; there were a number of them. There are one or two of the items which personally I think the House should concur in. That is my personal opinion, which I am willing to express in debate, but many of these I think the House would not desire to discuss; and so I suggested as a simple way that if there are any particular items—and they are all here on pages 2462 and 2463 of the Record—which Members wish to discuss or vote upon we will take them up separately.

Mr. TAWNEY. If Members desire a separate action on any amendment they can move to concur.

Mr. MANN. A separate vote can be had on any amendment.

Mr. MACON. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MACON. Mr. Speaker, when this matter was before the House a few days ago I asked the committee on conference not to agree to certain items that had been put on the bill by the Senate until after the House had had an opportunity to express itself upon these amendments. I thank the committee for having complied with my request in that regard and for having brought each of the propositions back for the consideration of the House. But, sir, I am of the opinion, after having seen the House turn down its own action twice expressed on another proposition, that it would be useless to detain the House for a single moment upon a separate vote upon any question where an effort is being made to raid the Treasury, and for that reason I do not insist any further on a separate vote on anything.

Mr. HUGHES of New Jersey. Mr. Speaker, I demand a separate vote upon the amendment 44, in relation to the salary of the President's secretary.

Mr. COX of Indiana. Mr. Speaker, I demand a separate vote on amendments 30, 31, 32, and 33, page 28 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WEBB. Mr. Speaker, I demand a separate vote on amendments numbered 99, 100, 101, 102, 200, 202, and 203.

Mr. COX of Indiana. Mr. Speaker, I demand a separate vote on the increased salary of the governor of New Mexico and Arizona. I have not got the number of it, but I reserved that when the bill was reported back the other day.

Mr. MANN. That has been agreed to.

The SPEAKER. That has already been agreed to by the House.

Mr. COX of Indiana. Very well.

The SPEAKER. The Clerk will report the amendments upon which a separate vote is demanded.

The Clerk read as follows:

Amendments Nos. 30, 31, 32, 33, 44, 45, 99, 100, 101, 102, 200, 202, and 203.

The SPEAKER. The question will be taken on the other amendments, the motion being that the House do further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment No. 30, page 27, line 7, strike out "five" and insert "six," so as to read "\$6,000."

Mr. MANN. Mr. Speaker, I suggest that the four amendments be considered together, 30, 31, 32, and 33. They all relate to the same subject.

The SPEAKER. The Chair is informed that amendments 30 to 33, both inclusive, relate to the same matter. Without objection, they will be considered together.

Mr. STAFFORD. Mr. Speaker, they do not. I reserve the right to object.

The SPEAKER. The Clerk will report the amendments for the information of the House.

The Clerk read as follows:

Page 27, line 7, strike out "five" and insert "six."

Page 27, line 9, strike out "thirty-two" and insert "thirty-eight."

Page 27, line 14, strike out "five" and insert "six."

Page 27, line 16, strike out "twenty-two" and insert "twenty-six."

Mr. COX of Indiana. Mr. Speaker, I object to their being considered together.

The SPEAKER. The Chair again asks, Is there objection to the consideration of the amendments which have just been reported?

Mr. COX of Indiana. Mr. Speaker, I will withdraw my objection to their consideration together.

The SPEAKER. What is the motion of the gentleman from Massachusetts?

Mr. GILLETT. Mr. Speaker, I move that the House insist on a disagreement.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House do insist upon its disagreement.

Mr. GILLETT. Mr. Speaker, I wish to state to the House how this matter came about. The question of increasing the salary of the stenographers was not brought at all before the Committee on Appropriations, so that the question received no consideration before that committee at all. It was not suggested in the House, and so it received here no consideration at all. It was put on in the Senate. Of course it is a matter that relates entirely to the business of the House, and is a matter with which the House is fully acquainted, and I have no doubt is ready to vote upon. But I wish to have read from the desk the following statement in behalf of the Official Reporters of the House which has been handed to me.

The SPEAKER. The Clerk will read the statement in the gentleman's time.

The Clerk read as follows:

WASHINGTON, D. C., February 14, 1911.

Hon. FREDERICK H. GILLET,
Chairman House Conferees on Legislative Bill.

DEAR SIR: The Official Reporters of debates on the floor of the House respectfully request, for the first time in 38 years, a moment's consideration by the House of the question of their annual salaries.

The amendment placed in the bill in the Senate, being amendment No. 30, increasing the salaries from \$5,000 to \$6,000, was prepared for presentation in the House, but was not presented because all similar amendments were stricken out on points of order. This is, therefore, the first opportunity to consider the proposition in the House on its merits.

Every one who from year to year watches the proceedings of the House, the rapid threshing out of subjects, the informality of debate, the swiftness of result, and the necessary noise and apparent confusion, will understand that there is no other body in the world just like this one; and it is the unanimous opinion of all well-informed and experienced shorthand reporters that no other proceedings anywhere are so difficult to report correctly as the heavy days in the House. The relative difficulty of court reporting may be summed up in one question. How long could any court transact its business in the midst of the confusion which is always a practical part of the day's work of a busy session of the House? Considering the inevitable difficulties, the daily CONGRESSIONAL RECORD is undoubtedly the most accurate publication in the world. This result is possible only by the long working together of a corps of highly trained and very skillful reporters. The

proceedings of the Dominion Parliament at Ottawa are printed first in an "unrevised edition." The only other publication approaching the CONGRESSIONAL RECORD is the Journal of the Debates of the French Parliament; and in the Chamber of Deputies 24 men are employed to do the same work that is done in this House by six. This French corps is divided into 16 note takers, six revisers who take check notes, and two chiefs who work on alternate days. There is no other form of employment with which to compare the compensation, because there is none other which makes such peculiar demands on the skill and endurance of the employees. Every lawyer familiar with the earnings of the best court reporters in the larger cities, like New York, Chicago, Philadelphia, and Washington, is aware of the fact that they considerably exceed the amount suggested in the Senate amendment. In the courts of the District of Columbia no official reporters are employed, but all important cases are reported by privately employed shorthand reporters, paid by the litigants; and so few are the competent shorthand reporters that all the important work is done by less than 10 men, who, under the law of supply and demand, are able to earn—at least the more successful of them—much larger annual averages than the salaries of the Official Reporters of the House.

Speaking on behalf of my associates, I have a very wide acquaintance among shorthand reporters, and I know of no similar number of men anywhere who are their equals in the peculiar work they have to do. Three of them are regularly qualified and admitted attorneys at law, who acquired this knowledge to aid them in their work. All of them had many years of special training before they were qualified for their present positions. Not one of their predecessors ever survived the strain of the work to live to normal old age.

When the present salaries were fixed the compensation was as high as that of any reporters in the country. Now it is not. The increased size of the House membership adds, and will inevitably add, greatly to the difficulty and strain of the work. Of the House employees whose positions were in existence 38 years ago, all except the official reporters have had their salaries largely increased. The official reporters have not.

The matter is cheerfully submitted, and no member of this corps asks the increase unless its fitness appeals to the good judgment of the House.

Very respectfully,

FRED IRLAND,
Senior Member of the Corps of Official Reporters.

Mr. COX of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. I yield to the gentleman.

Mr. COX of Indiana. I want to ask the gentleman if it is not true that the reporters under the amendment now to be considered—that is, the official House reporters—come under the class of employees to whom we give an extra month at the end of each session.

Mr. GILLETT. They have the month's extra salary.

Mr. COX of Indiana. And that month's salary amounts to one-twelfth of \$5,000?

Mr. GILLETT. Yes.

Mr. COX of Indiana. What is the law, if there is any, that would preclude or prevent the Official Reporters of the House, when Congress is not in session, from seeking employment elsewhere?

Mr. GILLETT. I suppose there is no such law.

Mr. COX of Indiana. They are at liberty to find employment wherever they can get it?

Mr. GILLETT. I suppose so.

Mr. COX of Indiana. Now, Mr. Speaker, I will ask the gentleman to yield to me for two minutes.

Mr. GILLETT. I yield to the gentleman.

Mr. COX of Indiana. Everyone here knows that the Official Reporters of the House are exceedingly competent, and it is not a pleasant duty for me to perform this morning to oppose this increase of salary, but I have consistently opposed all increases of salary, especially where it relates to the higher class of employees, and I call upon the Members of this House to read the conference report as reported back from the Senate. As I said a moment ago, the House conferees have receded on 141 Senate amendments and the Senate on 38 amendments. I further call upon the Members of this House to read the bill as it passed the other end of the Capitol and they will see that it is true that every increase of salary, or almost every increase, is for a man who is receiving a high salary. As the gentleman from Wisconsin said a moment ago, the poor man who is only getting a salary of six or seven hundred dollars a year has had no attention paid to him whatever. I do believe, Mr. Speaker, that the time has come when the House should assert itself and not vote to increase these high salaries, because in my judgment they are now receiving all they are worth, and especially in view of the fact that the Official Reporters on this floor are not compelled to work more than eight or nine months in the two years of a session in Congress, and in my judgment \$10,000, plus one month's salary for each session, is abundant salary for the work which they perform.

Mr. TAWNEY. Will the gentleman yield to me?

Mr. GILLETT. I yield to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, I want to make one statement in view of what the gentleman from Massachusetts said in respect to the amendment having been made in the Senate.

While the bill was pending in the House a member of the Committee on Appropriations proposed to offer an amendment on the floor in order that the House might have an opportunity to consider and pass upon the question of whether or not they would increase the salary of the reporters of debates on the floor and the stenographers to committees. Points of order were made against every proposition of increase, and for that reason the Member did not offer the amendment and the House had no opportunity to vote on the proposition. But at the request of members of the committee I addressed a communication to the chairman of the Committee on Appropriations of the Senate stating these facts, and asked him to incorporate this amendment in the bill for the purpose of giving the House an opportunity to consider the matter, and I was influenced in doing that by the fact that while salaries of officers and employees of the House have been increased generally the salaries of the floor reporters and committee stenographers have not been increased in 40 years. The salary which they receive now is the salary which was fixed 40 years ago, when the membership was but 293. I did this because I felt that the House ought to have an opportunity to consider whether or not, in view of the increased labor of these employees and other increases of salary, their salary should be increased. It was for that reason I made the request of the chairman of the committee of the Senate.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. MANN. In the practice between the Senate and House has it not been the custom for the Senate to determine in reference to the salaries of its employees and the House to determine in reference to the salaries of its employees?

Mr. TAWNEY. Always.

Mr. MANN. Now, does the gentleman mean to say, because the House has certain rules therefore the Senate shall attempt to determine the salaries of employees of the House? Would he favor our attempting to hold out against the Senate and determine the salaries of Senate employees because they have rules to which we did not subscribe?

Mr. TAWNEY. I will say to the gentleman from Illinois that it is also true that, for the chairman, it has for many years been the custom of the Committee on Appropriations of the House to make requests like this, and the chairman of the Committee on Appropriations of the Senate has invariably honored such requests by inserting the desired amendment when it pertained only to the employees of the House.

Mr. MANN. One further question.

Mr. TAWNEY. In a moment. Now, I want to say my request to the chairman of the Senate committee was in conformity with the long-established practice, and I was influenced in making that request by the fact that the salaries of these employees of the House was fixed many years ago, since which time the House has almost doubled in size and the force of Official Reporters has been increased during that time by only one.

In view of these facts I thought they were entitled at least to have the proposition considered by the House that employs them.

Mr. MANN. Will the gentleman yield for a further question?

Mr. TAWNEY. Yes.

Mr. MANN. Is not there a method under the House rules by which this can be brought before the House at any time on a report from the Committee on Accounts?

Mr. TAWNEY. That committee has not met, I am informed, or made any reports at this session of Congress.

Mr. MANN. Does the gentleman attempt to read lectures to other committees of the House, and, therefore, if they do not meet, ask the Senate to help out the House?

Mr. BARTLETT of Georgia. May I interrupt the gentleman from Illinois [Mr. MANN]?

Mr. MANN. It is not necessary to reply to that. Of course, we have reports from them constantly. We know they meet.

Mr. BARTLETT of Georgia. Do I have the permission of the gentleman from Minnesota to make a statement?

Mr. TAWNEY. I yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. Mr. Speaker, with reference to the Committee on Accounts, I want to say that that committee has met frequently during this session, and the only reason we have not met more frequently is that the chairman of that committee has been for two weeks, and is now, ill and in a hospital. And I do not think it comes with good grace from my friend to suggest that the committee is negligent in its duty, under those circumstances.

Mr. TAWNEY. I will say to the gentleman from Georgia that I did not say the committee had no meetings. I said that I was so informed, and my information comes in this way: The Committee on Accounts is now certifying to the Committee on Appropriations certain items to be carried in the general deficiency bill, and when asked why they were not acting on those items themselves, I was informed that the committee was not meeting. That is the way I obtained my information.

Mr. BARTLETT of Georgia. Yesterday we had a meeting but had no quorum, but we undertook to meet. There are only three members of the minority on that committee, and they could not of themselves constitute a quorum. There are six members of the majority on that committee, and they constitute a quorum. It is true we have not been able to dispose of all the business referred to us, but I do not understand that there has ever been an effort before the Committee on Accounts to increase the salaries of these officials of the House. I want to say in defense of myself and the minority members—of course, the gentlemen who represent the majority upon that committee must speak for themselves—that I want to resent the idea that we are not discharging our duty by reporting every resolution here that proposes to increase the salaries of employees. I do not want to be understood as saying that I do not believe there are some salaries that ought to be increased, and I might vote for some, but it is not due to the fault of the Committee on Accounts that any proposition of this kind did not come before the House.

Mr. TAWNEY. I did not say it was.

Mr. BARTLETT of Georgia. The gentleman said that the Committee on Accounts had not met. We met yesterday, and we propose to meet to-morrow.

Mr. MANN. The gentleman from Georgia ought to remember that the gentleman from Minnesota [Mr. TAWNEY] was in a pretty tight hole and had to give the best excuse he could think of.

Mr. BARTLETT of Georgia. The gentleman ought to give an excuse without censuring other people.

Mr. FITZGERALD. Will the gentleman yield for a moment?

Mr. GILLETT. For how long?

Mr. FITZGERALD. A couple of minutes.

Mr. GILLETT. I will yield to the gentleman from New York two minutes.

Mr. FITZGERALD. Mr. Speaker, I did not know until the gentleman from Minnesota made the statement just how this item got in the bill. I am not going to discuss the propriety of an increase of compensation for stenographers at this time. I consider it unwarrantable impertinence for the Senate to make any proposal to increase the compensation of any official of this House, no matter at whose suggestion it does so. I am inclined to believe that to prevent any repetition of such action this amendment should not be agreed to. This matter could have been presented either to the Committee on Appropriations or to the Committee on Accounts, where it could have received consideration and a recommendation made one way or the other to the House, and until the proper method is pursued to take such matters up in the House I am opposed to considering at all the suggestion either to increase or to change the compensation.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. RUCKER of Missouri. This amendment proposes to increase the salaries of the stenographers on the floor from \$5,000 to \$6,000?

Mr. GILLETT. Yes.

Mr. RUCKER of Missouri. For about how long a time are they employed each year? What is the average time?

Mr. GILLETT. I suppose the average is about six months each year.

Mr. RUCKER of Missouri. So that \$5,000 is really for the six months' work?

Mr. GILLETT. Yes.

Mr. RUCKER of Missouri. Let me ask the gentleman there, is it not true that recently a Member's private secretary has been made a stenographer to the committees?

Mr. GILLETT. I do not know that it is true or that he was.

Mr. RUCKER of Missouri. These gentlemen possess no other qualifications than those required of all stenographers. A man who can do ordinary court work can do this work, can he not?

Mr. GILLETT. They have to be unusually accomplished.

Mr. OLMSTED. No ordinary court reporter in the United States could take this dialogue that is going on at this moment.

The SPEAKER. The House will be in order. What is the use of debating here when nobody can hear?

Mr. GILLET. I call for a vote, Mr. Speaker.

Mr. YOUNG of Michigan. What is the question?

Mr. GILLET. Mr. Speaker, I ask for a vote.

Mr. BUTLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTLER. On what do we vote?

Mr. GILLET. The motion was that the House insist on its disagreement to the Senate amendments.

The SPEAKER. The motion pending is that the House insist on its disagreement with the Senate.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 139, noes 23.

So the motion was agreed to.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. GILLET. I ask that the Clerk report the next amendment.

The Clerk read as follows:

On page 40, line 18, strike out "six" and insert "ten," and on page 41, line 6, strike out "seventy" and insert "seventy-four."

Mr. GILLET. Mr. Speaker, I move that the House recede and agree to the Senate amendment.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLET] moves that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. GILLET. Mr. Speaker, this proposition is new. It was not suggested to the House committee or to the House for the reason, as I understand, that the need of it did not occur to the White House until the resignation of the present secretary and the search for a successor. The position of the Secretary to the President has become in recent years exceedingly important. I suppose in the last 20 years, with the enormous increase of the various activities and functions of the Federal Government, no department has increased in work more than the Executive; the crush of business which comes to the Executive has been constantly swelling, so that now the White House is overrun by business of every kind. For many years it has been the function of the Secretary to the President to do much of his confidential work. We have had there very important and successful men. Secretary Lamont and Secretary Cortelyou, both of them, showed such ability in that position that they went into the Cabinet. Secretary Loeb became collector of the port of New York. There have been, there is now, and it is necessary that there should be, in that office men of great ability, great tact, and great discretion. The secretary is a confidential adviser, probably the most confidential adviser that the President has.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question?

Mr. GILLET. Certainly.

Mr. CLAYTON. Does the gentleman think it requires on the part of this Secretary to the President any more tact or ability than that possessed by a Senator of the United States or a Representative in Congress or a United States circuit judge?

Mr. GILLET. Not necessarily; but now you can not get the type of man for that position that you can get for a Senator or Representative or circuit judge, because there goes with those positions a dignity that does not go to the position of the Secretary to the President. And the gentleman well knows that men take these positions not simply for the salary that goes with them, but for the dignity that attaches to them.

Mr. CLAYTON. I want to ask the gentleman a question.

Mr. GILLET. Let me answer the first question first. One of the very purposes of this increase of salary is to give to this position a dignity which it ought to have, and which will indicate that it is not a mere secretaryship, as it has stood in the past, but a position of influence and importance; and I think this change of salary does largely accomplish that, and it is the only way it can be accomplished. There is many a man who would not take a secretaryship at \$6,000 who would take the position of assistant to the President at \$10,000; and there ought to be sufficient dignity and salary attached to the position so that the President should not be obliged, as he has been in the past, to take a young man whose ability is yet to be proved, who is believed to have the capacity but has not yet been tested, but we ought to be able to get a man of mature years who has

already proved that he has those qualities which are needed in the position.

Mr. COX of Indiana. Is it not true that Lamont and Cortelyou and Loeb were all young men when they took this position?

Mr. GILLET. That is just what I say; that in those cases by a happy accident men were selected who had the ability, although they had not proved it up to that time. They showed afterwards that they had the capacity for that position; but you ought to be able to get a man of sufficient maturity, who has already proved that he has those qualities, and not be compelled to guess that he has them.

Mr. COX of Indiana. Does the gentleman say whether or not he has any assurance that even though the salary be increased to \$10,000, that would hold a man in this position when an opportunity presented itself for him to get \$20,000 or \$25,000 a year?

Mr. GILLET. That is just what I think it would. If a young man takes this position to prove that he has the ability, and as a stepping-stone to a lucrative position, as those men did, then you can not hold him; or if you do, it is at a sacrifice which a young man ought not to be asked to make; but if you make it a position at \$10,000 a year you can get a man of mature years who will take it and stay by it.

Mr. COX of Indiana. That is the very question I put to the gentleman a moment ago. If he gets \$10,000 a year and that furnishes him a stepping-stone to something higher, and the better opportunity comes and a salary at \$25,000 a year is offered to him, does not the gentleman believe he will vacate his \$10,000 position and take the higher one?

Mr. GILLET. No; I do not. I think we can make this such an attractive office that we can keep a man of the ability which we ought to have there.

Mr. CARLIN. The gentleman understands that, even with this additional inducement of a greater salary, we could not provide in this bill against a gentleman accepting a higher salary if he wanted to.

Mr. GILLET. Oh, certainly not.

Mr. CARLIN. We can not provide by legislation against a matter of that sort.

Mr. GILLET. Of course we can not.

Mr. BARTLETT of Georgia. The gentleman recalls that in 1898 and 1899 Mr. George B. Cortelyou was Secretary to the President. Does the gentleman mean to say that the Secretary to the President now has more duties to perform than Mr. Cortelyou had during President McKinley's administration in 1898 and 1899?

Mr. GILLET. Certainly I do. In the last 10 years the duties of the secretary have very much increased, as the country has increased.

Mr. BARTLETT of Georgia. Is it not a fact that Mr. Cortelyou got only \$5,000 a year in 1898 and 1899?

Mr. GILLET. Very likely. That is just what I am arguing against.

Mr. CARLIN. You could not get Mr. Cortelyou for that salary now.

Mr. BARTLETT of Georgia. It would be as much as he was worth, I think.

Mr. CARLIN. The gentleman would not say that seriously.

Mr. BARTLETT of Georgia. As secretary; yes.

Mr. GILLET. I beg to differ with the gentleman.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question?

Mr. GILLET. Certainly.

Mr. CLAYTON. The gentleman was arguing in behalf of dignity a little while ago. I understand from his argument that he takes the position that for this \$6,000 salary paid to the Secretary to the President we can not buy a sufficient amount of dignity to fill that office.

Mr. GILLET. I did not say so.

Mr. CLAYTON. The gentleman thinks that the additional \$4,000 will add only dignity to the office.

Mr. GILLET. I did say "only dignity;" I think it does add dignity and it adds attractiveness.

Mr. CLAYTON. What public excuse or reason is that for the expenditure of public funds?

Mr. GILLET. If the gentleman will hear me I will try to give him some information.

Mr. CLAYTON. It appears to me that \$6,000 has heretofore proved an adequate compensation, and I see no reason why any man should be paid more for dignity than a man who presides over a circuit court as judge. I suppose he has as much dignity as anybody, and I suppose that a Senator of the United

States has as much dignity as anybody. Is it claimed that, therefore, in order to get Senators and circuit court judges of great dignity we ought to buy them more dignity by increasing their salaries? I will thank the gentleman for information.

Mr. GILLET. Why, Mr. Speaker, the gentleman is arguing on my side. Either he misinterprets or distorts what I said.

Mr. CLAYTON. Perhaps the gentleman from Massachusetts did not appreciate the sarcasm.

Mr. GILLET. What I said was that a circuit court judge or a Senator would take those positions not on account of the salary alone, but on account of the dignity; that the positions themselves were above that of a secretary to the President, and for that reason they attracted men to fill them.

Mr. SIMS. Will the gentleman yield?

Mr. GILLET. I will.

Mr. SIMS. I want to ask the gentleman if a similar proposition did not come here from the Senate to give the Secretary of State an undersecretary at \$10,000 a year, and was not this same argument made in favor of that, and, although the House did not agree to it, have we seen any lack of perfect service in that department?

Mr. GILLET. That is not this proposition.

Mr. SIMS. I think the gentleman from Massachusetts advocated it.

Mr. GILLET. There is no question but that the duties of the President's secretary are extremely important for one reason, because of the confidential relations he must have with the President. He ought to be a man who is thoroughly sympathetic with the President and has the same political and moral outlook, because he is his most intimate adviser and friend. Therefore he ought to be a man of great natural and cultivated capacity.

Moreover, he is in a great measure the mentor as to the occupation of the President. He has to divide up his time for him. The President can not waste his time in making social and business appointments. His secretary must be a man of such discretion and sagacity—and that is a hard quality to get—that he can make these arrangements and engagements which the President has no time to make. That requires a vast amount of tact and ability and judgment.

Then, the Secretary to the President has necessarily to deal very largely with the press. Somebody has to regulate what shall go out from the White House. There are few matters which require more discrimination than that. He has, too, to be a buffer between the President and the public. A man ought not to be taken without experience, but the position ought to be able to secure a man of mature years who can be a friend and confidant and intimate of the President. I do not think \$10,000 is too much to pay for that, and I do not believe for less we can be sure of securing a man competent for the position.

Mr. FOSTER of Illinois. Mr. Speaker, we have had Presidents and private secretaries to the Presidents before the present administration. While I agree that there is a good deal of work and increased work for a private secretary in the office of the President, yet men like Daniel Lamont, George Cortelyou, and William Loeb have filled that position with distinguished honor and ability, and I do not believe that an administration proclaiming to the country that it is necessary to practice the strictest economy ought to come here and ask that the private secretary's salary shall be increased to \$10,000 a year. Men serve here in the House and in the Senate for one-quarter less than is asked for this particular office.

This bill when it left the House and went over to the Senate and came back here after it had been amended in that body contained more than 200 amendments. Most of them were amendments increasing the salaries of men whose salaries are already high.

Mr. COX of Indiana. What did it amount to?

Mr. FOSTER of Illinois. I think the increases amounted to more than \$100,000 upon salaries alone.

Mr. Speaker, such an increase as is shown in this bill in the salaries of those whose salaries are already high should not be allowed.

We ought to stand for economy, and I regret that it is not possible to vote on all the increases in this bill, but such a thing can not be done now. Below I give the amount of increase in new items and increase in salaries as shown in this bill by amendments when the bill came back to this body. This table is approximately correct and shows a large increase in salaries.

Increase in new items and increase in salaries.

| Offices created and new items. | Amount. | Offices increased or decreased. | Senate amounts. | |
|---|---------|---|-----------------------|-----------------------|
| | | | In-creased sala-ries. | De-creased sala-ries. |
| Reading clerk..... | \$2,750 | Clerks..... | | \$2,220 |
| Assistant indexer for S. P. documents..... | 2,220 |do..... | | 2,100 |
| Printing clerk..... | 2,220 | Assistant librarian..... | \$220 | |
| Laborers..... | 2,520 | Assistant keeper of stationery..... | 100 | |
| Assistant clerk..... | 1,800 | Laborers..... | | 2,160 |
| Clerk to Committee on Manufactures..... | 2,500 | Assistant clerks to committee..... | 400 | |
| Additional amount for clerk to Committee on Rules..... | 1,000 |do..... | 420 | |
| Assistants..... | 1,200 | Clerk to Committee on Manufactures..... | | 2,220 |
| Stenographer and typewriter..... | 900 | Messengers..... | 1,800 | |
| | |do..... | | 1,440 |
| | | Superintendent press gallery..... | 200 | |
| | | Assistant superintendent press gallery..... | 200 | |
| | | Assistant clerk and stenographer..... | 500 | |
| | | Official Reporters..... | 6,000 | |
| | | Stenographers to committees..... | 4,000 | |
| | | Librarian of Congress..... | 500 | |
| | | Increase of Librarian of Congress..... | 25,000 | |
| | | Miscellaneous supplies..... | 1,000 | |
| | | Executive department: Secretary to the President..... | 4,000 | |
| Civil Service Commission: Expert examiners..... | 5,000 | State Department: Secretary..... | 4,000 | |
| | | Chief, Bureau of Trade Relations..... | 400 | |
| Treasury Department: Division of Appointment and Surety Bond..... | | Chief clerk..... | 1,000 | |
| Bookbinder..... | 1,250 | Law clerks..... | 2,500 | |
| Clerks..... | 8,000 | Chief division..... | 500 | |
| | | Assistant chief division..... | 250 | |
| | | Law and bond clerk..... | 250 | |
| | | Inspectors..... | 240 | |
| | |do..... | 200 | |
| | | Comptroller of the Treasury Auditor Post Office Department..... | 500 | |
| | | Law clerk..... | 500 | |
| | | Expert accountant..... | 500 | |
| | | Chief of division..... | 1,000 | |
| | | Clerks..... | | 900 |
| | | Expert counters..... | | 700 |
| | | Clerks..... | | 3,600 |
| | | Director of the Bureau Printing and Engraving..... | 500 | |
| | | Director of the Mint..... | 500 | |
| | | Adjuster of accounts..... | 250 | |
| | | Books and incidentals..... | 200 | |
| | | Assistant receiving teller..... | 100 | |
| | | Redemption clerk..... | 200 | |
| Mint and assay office: Assay office at Charlotte, N. C..... | | Clerks..... | 2,400 | |
| Assayer and melter..... | 1,500 | Employees and wages..... | 960 | |
| Wages, workmen and employees..... | 900 | Assayers, Helena, Mont..... | 250 | |
| Incidentals and contingent..... | 500 | Clerk..... | 1,600 | |
| | | Superintendent, New York..... | 500 | |
| | | Assayer, Salt Lake, Utah..... | 250 | |
| | | Governor, Arizona..... | 500 | |
| | | Secretary..... | 700 | |
| | | Governor, New Mexico..... | 500 | |
| | | Secretary..... | 700 | |
| War Department: Writer of specifications, etc..... | 1,200 | Assistant chief clerk..... | 150 | |
| | | Disbursing clerk..... | 250 | |
| | | Appointment clerk..... | 250 | |
| | | Superintendent of building, State, War, and Navy..... | 250 | |
| | | Messenger..... | 480 | |
| | | Elevator conductors..... | 70 | |
| | | Chief clerk and solicitor..... | 250 | |
| | | Supervising engineer..... | 250 | |
| | | Sanitary and heating engineer..... | 200 | |
| | | Clerks..... | | 2,000 |
| | | Do..... | | 900 |
| Public buildings and grounds: Supplying uniforms, etc., monument..... | 2,800 | Superintendent..... | 600 | |
| Repairs, corridors..... | 5,000 | | | |
| Navy Department: Laborers..... | | Telegraph operator..... | 100 | |
| Monthly Pilot, North Pacific Ocean..... | 2,000 | Copyist..... | 840 | |
| Clerk..... | 1,800 | Assistant..... | 200 | |
| Files, fireproof..... | 5,000 | | | |

Increase in new items and increase in salaries—Continued.

| Offices created and new items. | Amount. | Offices increased or decreased. | Senate amounts. | |
|---|---------|---------------------------------|----------------------|----------------------|
| | | | In-creased salaries. | De-creased salaries. |
| Interior Department: | | | | |
| Assistant chief of division. | \$2,000 | Chief clerk..... | \$1,000 | ..... |
| Second deputy commissioner. | 3,600 | Assistant commissioner.... | 500 | ..... |
| Skilled laborers..... | 11,220 | Investigations, etc..... | 250 | ..... |
| Assistant examiner of trade-marks and designs. | 2,400 | Electrical engineer..... | 600 | ..... |
| Do..... | 9,000 | | | |
| Post office: | | | | |
| Painter..... | 900 | Clerk, chief..... | 1,000 | ..... |
| | | Assistant superintendent.. | 200 | ..... |
| Department of Justice: | | | | |
| Messengers..... | 960 | Attorney in charge of titles. | 800 | ..... |
| | | Chief clerk..... | 500 | ..... |
| | | Superintendent of prisons.. | 1,000 | ..... |
| | | Chief D. of I..... | 500 | ..... |
| | | Librarian..... | 200 | ..... |
| | | Assistant solicitor..... | 750 | ..... |
| Department of Commerce and Labor: | | | | |
| Assistant Secretary..... | 5,000 | | 2,000 | ..... |
| | | | 20,000 | ..... |
| | | Assistant engineer..... | 150 | ..... |
| | | Chief clerk..... | 250 | ..... |
| | | Assistant chief, division | 500 | ..... |
| | | Director, Bureau of Standards. | 1,000 | ..... |
| Judicial: | | | | |
| Clerk, additional, court of appeals. | 250 | Clerks..... | 3,600 | ..... |
| | | Crier..... | 200 | ..... |
| Stenographer, district court, eastern Illinois. | 720 | | 200 | ..... |
| | | Stenographer..... | 600 | ..... |
| Total..... | 88,110 | | 106,980 | \$18,240 |

Senate decreased items: For installing testing machine, Pittsburg, Pa., \$25,000.
Net increase in Senate amendments, \$151,850.

Mr. GILLET. Mr. Speaker, I yield to the gentleman from New York for five minutes.

Mr. FITZGERALD. Mr. Speaker, I am opposed to the motion of the gentleman from Massachusetts, which will result in the compensation of the Secretary to the President being fixed at \$10,000 a year. I shall not enter into a discussion as to whether the occupant of that office, who receives to-day \$6,000 a year, gets adequate compensation for the services performed. In comparison with the compensation paid to other important officers of the Government he is adequately paid. The Assistant Secretary of State receives \$5,000 a year. The three Assistant Secretaries of the Treasury receive \$5,000 a year. The man who, in my judgment, performs as important and as difficult work as any man in the Government service, requiring much higher capacity and a different type of man than the President's secretary, is the Comptroller of the Treasury, and his compensation has been, up to the present, \$6,000 a year.

When the legislative bill was under consideration in the Committee on Appropriations, the Secretary to the President appeared before the committee. He made the statement that the executive force in the White House was costing seventy thousand and some odd dollars a year. He said that the organization there was such that the best results could not be obtained; that what was needed were higher class men in some of the offices, and that some of the well-paid men in the lower positions might be dropped. He asked the committee for authority to reorganize the force, to have an assistant to the secretary, at \$5,000; an executive clerk, to be called chief clerk, at \$4,000; an appointment clerk, at \$3,500; a record clerk, at \$2,500; 2 expert stenographers, at \$2,500 each; an accountant, at \$2,500; 2 correspondents, at \$2,250 each; 1 disbursing clerk, at \$2,000; 3 clerks, at \$2,000 each; 6 clerks of class 4, \$10,800; 2 clerks of class 2, at \$1,600 each; 5 clerks of class 2, at \$1,400 each; 2 clerks of class 1, at \$1,200 each; 1 clerk-messenger, \$1,000; 2 messengers, \$900 each; 2 messengers, at \$840; 2 laborers, at \$720; and in that schedule which was submitted to the committee by him he placed the compensation of the Secretary to the President at \$6,000 a year.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. FITZGERALD. I yield to the gentleman for a question.

Mr. TAWNEY. The gentleman who is now occupying the position of the secretary is the one who presented that schedule.

Mr. FITZGERALD. That is true.

Mr. TAWNEY. At that time he contemplated continuing in the office he is now filling. He did not and would not accept an increase of salary if Congress saw fit to give it to him.

Mr. FITZGERALD. I think that is very much to his credit.

Mr. TAWNEY. Therefore, he did not ask for the increase, but now he asks for it, knowing—

Mr. FITZGERALD. Oh, the gentleman is not now asking a question. He is trying to destroy the effect of the argument I desire to make, and he can do that in his own time. What is the theory upon which the Secretary to the President urges this compensation to be increased? I will quote what he said:

The Secretary to the President, theoretically, should be an old friend and associate of the President, some man who has known the President long, knows his personal and political friends, and can act in a business way as a kind of business aid. He should come and go with the Chief Executive.

I agree that he should come and go with the Chief Executive, but the experience of every President of the United States has been that the type of man described by Mr. Norton would not make a good secretary. The President has rarely in the history of the country selected some old friend and associate acquainted with his personal and political friends.

That is not the type of man needed at all. What is needed is a man somewhat disassociated from the President who will have a somewhat different viewpoint and temperament, so as to be able to prevent errors being made in handling people at the White House more successfully than if he have the same temperament and characteristics of the President. I might refer to the last administration and the success with which certain things were accomplished in the White House as perhaps the most emphatic argument in favor of not having a man of the same temperament and same characteristics and who had long been associated with the President in his official work. Mr. Cortelyou had not been long associated with President Roosevelt. He entered that office as a clerk, a stenographer—

Mr. GILLET. If the gentleman will permit, he does not wish to claim that friends are necessarily of the same temperament and characteristics?

Mr. FITZGERALD. No; but the men who go into the White House are much better off if they are not permitted to get too close to its occupant. Mr. Cortelyou went to the White House as stenographer from the Post Office Department, and by different promotions finally became Secretary to the President. Nobody charges him with a lack of capacity; that he was not an efficient man. From that office he went to the head of the Department of Commerce and Labor and organized it. From there he went to the Post Office Department, and then to the Treasury Department. Now, because a very estimable and competent man is about to retire, it does not seem to me, Mr. Speaker, that the Republican Party is so devoid of patriotic and competent men that the President among his close friends, who are keenly interested in the success of his administration, will not be able to obtain a competent, efficient Republican as a secretary unless his salary be fixed higher than ever before in the history of the Government, higher than that of Members of the House, higher than that of Members of the Senate and of many important officials in every department of the Government. I know the Republican Party is in somewhat desperate straits, but I am unwilling to confess it has come to such a condition. [Applause.] This increase is not justified and should not be granted.

Mr. GILLET. I yield three minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, I believe this salary should be made \$10,000 a year, and for any man fitted to fill the position I think it is a very moderate sum. There is no position in this Government that is more exacting in its duties. There is no man called upon to endure more hardships. The White House, I regret to say, has become the dumping ground of the Nation's troubles, and every man in this House knows it. A man capable of properly performing the duties incumbent upon the President's secretary ought to be a diplomat; he ought to be a man capable of courteously handling men; he has to be a man of infinite tact and never-ending energy; and to the assistance of such a man the President of the United States is entitled. He takes the place, in a large measure, of the general manager of a corporation, for this Government is the greatest corporation in the world. They have their presidents, but people having dealings with them go to the general manager so frequently that his office has much more onerous and exacting duties than the chief himself, and in this particular case the position is not unlike the one I have mentioned.

The comparison suggested in this debate between the salaries of Senators and Representatives is not fair. The man who occupies this position does not have a moment's time the year round devoted to his private business; other men do. His work is continuous, day and night, from the 1st day of January until the 31st day of December. He comes constantly in contact with Senators and Representatives in Congress, also with the representatives of the press and the great body of the people who go to the White House on business. Ability of the highest order is essential to success in that position. I do not believe the salary will change the importance of the position. Its dignity is fixed by its duties, and they are not only manifold in number, but widely varied in their character. The talent of the business man, the skill of the statesman, and the adroitness and courtesy of the diplomat are all attributes which can find play in this position. Mr. Speaker, for these reasons I believe that the salary of \$10,000 would be a very modest sum as compensation, and I hope the amendment will prevail.

Mr. GILLETTE. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I regret that as a Member of the majority of this House I can not support this amendment. [Applause on the Democratic side.] It would be far more agreeable to me to be able to support it, but I believe the increase is entirely disproportionate to the service rendered as compared with the salaries paid in other branches of the Government service.

I do not understand that the character of the duties of the Secretary to the President have changed from the time of the inception of this Government to the present time, except that the country has grown, and consequently the duties have become more arduous. The gentleman from Massachusetts [Mr. GILLETTE], in advocating it, made, in my judgment, the best argument for its defeat when he said that Mr. Cortelyou, Mr. Lamont, and Mr. Loeb had served there. I would remind him that this office has become a stepping-stone to preferment to a better place outside of the Government service, and therefore the gentleman who occupies it should be willing to take the salary as it exists to-day.

Now, a great deal has been said of the dignity of this office as a reason for increasing the salary. What is the dignity of this office compared to that of a Senator or a Member of the House of Representatives? It is simply that of an executive clerk, a clerk to the President. It has always been so considered, and I trust that the time will never come when it is not so considered.

True it is that it has been filled by many distinguished men, among others, Sidney Webster, one of the greatest lawyers in this country; John Hay, the able United States Secretary of State; Horace Porter, ambassador to France; Daniel S. Lamont, Secretary of War; George B. Cortelyou, Secretary of the Treasury; and William Loeb, collector of the port of New York; and rarely has it been more efficiently filled than it is at present. The dignity of the office while held by all of them in no way was affected by the amount of salary.

Why, if you increase this salary to \$10,000 a year you will have the next Secretary to the President—and I do not say under the present President, but under some other President—so inflated that it will be the old story of the Doorkeeper of the House of Representatives from Texas who, during Gen. Grant's administration, wrote home and said that he was a "bigger man than old Grant." That story reflects what will be the feeling of the person who will fill the office if we increase its salary to \$10,000. [Applause.]

Mr. GILLETTE. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, I am one of those who can see no reason for this increase. I have been trying for eight years to find out just what are the duties of the Secretary to the President. I have been able to find out some of them. One of his duties seems to be to prevent Members of this House who, in the discharge of their official duties, have incurred the displeasure of the President of the United States, from seeing the President, even on business.

Those duties of this official, which are most prominently brought to the attention of the public, could be discharged, with just as much tact as has been displayed heretofore, by the intelligent colored gentleman who acts as messenger in the Speaker's room. It was not long ago that, at the command of one of these secretaries to the President, an old lady, the mother of a family, who did not leave the outer office as soon as the secretary thought she ought to leave, at the command of the secretary was dragged screaming across the White House grounds by Secret Service officers assisted by Negroes. If these

secretaries on a salary of \$6,000 a year can be guilty of such absolute lack of tact, of such outrages as these, in the name of God what will they do if we increase their salaries to \$10,000 a year? One of these prize fighters, Jack Johnson, or John L. Sullivan, or any of them, could carry out some of the duties with which these secretaries seem to be charged.

Mr. GILLETTE. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, I am one of those who earnestly hope that this proposition will prevail. If the gentleman from Illinois [Mr. RAINEY], who has just taken his seat, considers the argument he has made an intelligent and dignified discussion of this proposition, I am willing that he shall have the monopoly of that style of argument. If he considers that a prize fighter or a messenger of this House is equal to this task of the President's secretary, I do not care to enter into any discussion with him along that line.

Mr. MANN. He was talking about what he hoped would occur in the next administration.

Mr. OLMSTED. He might be in a position then to secure what he desires. In my judgment, the Secretary to the President should be a man of wide experience in political and public affairs, familiar with the public questions of the day, acquainted with the public men of the day, and in every way qualified to stand by and assist the President in the performance of a great portion of his minor duties, leaving the President himself free to consider the larger matters. While I am not an aspirant for the position and would not take it at even the increased salary, I think that a term or several terms of service in one or other of the Houses of Congress would largely improve the capacity and fitness of a Secretary to the President.

Mr. SHERLEY. Would the gentleman consider it a proposition?

Mr. OLMSTED. Well, I will say this, that there are about 95 per cent of us who would not be as well fitted to fill that position as we are to do what we are doing here. I hope that if the gentleman from Missouri [Mr. CLARK], upon his annexation-of-Canada platform, shall ever succeed in reaching the White House he may be able to secure the services of my friend from New York [Mr. FITZGERALD] as his private secretary; but I do not believe that gentleman would accept the position at either \$6,000 or \$10,000 per annum.

Mr. HEFLIN. The gentleman admits that there will be a Democratic President.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. OLMSTED. Certainly.

Mr. CLAYTON. Has the gentleman any knowledge as to what "lame duck" will be given this place if it is increased to \$10,000?

Mr. OLMSTED. I have no knowledge as to who will be selected for that purpose, but I do know and we all understand that in the contemplated retirement of the very courteous gentleman who now fills that position the President is in great difficulty in securing a man at all suitable at the present salary. The commerce of the country has more than doubled within the past few years; the public questions which the President must consider have vastly increased in number and importance. The duties of the secretary have correspondingly increased since the present salary was fixed. His duties are not only important, but often of a delicate and confidential nature. He is on duty night and day 365 days in the year, and in leap year 366. The President is in great difficulty in his effort to secure a man at all suitable at the present salary.

Mr. SHERLEY. Does the gentleman yield again?

Mr. OLMSTED. Yes.

Mr. SHERLEY. Does the gentleman believe that if the salary were now \$10,000 it would make any difference with respect to this present incumbent?

Mr. OLMSTED. I do not believe it would; but it does make a difference in securing a successor to him.

Mr. GILLETTE. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, I am opposed to this Senate amendment. If the press correctly informs us, the condition of the Federal Treasury is such that the President is even now threatening to veto measures passed by Congress carrying relief to many people. We recently passed here, by an overwhelming vote, a bill which would carry sunshine into the homes of 450,000 people, old men, men who wore the blue and who followed the fate of the flag, and yet we are told by the press that by reason of the depleted condition of the Treasury the President will be compelled to veto that bill if the Senate dares to pass it. And yet these same gentlemen are to-day asking us, asking Congress, to vote an increase of about 70

per cent in the salary of the President's secretary. I am opposed to it. There can be no good reason assigned for it. Gentlemen may talk about tact and skill and all of those peculiar qualifications so essential to the performance of the duties of this position, but the fact remains that for a great many years we have existed and no complaint has ever been made, so far as I know, on account of the inefficiency and incapacity of the gentlemen who have chanced to fill that office from time to time.

I hope this House will vote down the proposition. There is too much of a disposition here to grant increases of salaries to those who already draw lucrative salaries. There is too much indifference to the cry that comes from the people all over this country, who are working for meager salaries, for a slight raise in their pay. Here in the city of Washington are thousands and thousands of people, representing every State in the Union, who are applying earnestly, almost piteously, to this Congress for a slight increase in their wage, that is so low now as to make it almost impossible for them to subsist; and yet we answer them, we answer the great multitude of people, by saying the condition of the Public Treasury will not justify the increase. But let one man with powerful political influences back of him appeal here, and gentlemen who ordinarily stand in defense of the Treasury are, it seems, leading in the raid upon the Treasury. I protest against it.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. GILLET. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, while the proposed increase in this salary is greater than I would like to see made in one jump, yet if there can not be any intermediate figure fixed I am for the amendment as it stands. I believe in economy, but I believe in a wise economy, and the President of the United States, as the head of this great Nation, occupies a position where he needs at his elbow constantly a man of great ability and of great reliability. For seven days in a week and for 365 days in a year the private secretary to the President is on duty, and on duty a great many hours every day. His work is of a very arduous character, and he needs to be a man of great judgment, of fine discretion, of splendid training, willing and able to deal with all classes of persons. If in the past, as has been intimated, the secretaries have not been what they ought to be, that is only an additional reason why a better salary should be paid, and better men obtained; and Congress, I think, ought to be consistent with itself in this matter. It has already appropriated some \$25,000 a year to enable the President of the United States to be absent from his office, and in his absence the duty falls upon his private secretary to meet contingencies which the President would have to meet were he there. That is an additional reason why that secretary should be a man of fine ability.

Mr. CLAYTON. Does he not take a vacation in the summer?

Mr. GRAHAM of Illinois. No; the private secretary to the President can not have any vacation, except as he accompanies the President.

Mr. CLAYTON. Does he not ride all over the country with the President at public expense?

Mr. GRAHAM of Illinois. Two minutes is too short a time to enable me to permit the gentleman from Alabama to inject his speech into mine.

Mr. CLAYTON. I simply wanted to improve the gentleman's speech; that is all. [Laughter.] I might add that while this is not a political matter, I may be influenced somewhat by the fact that the office is soon to be filled by a Democrat—

The SPEAKER. The time of the gentleman has expired.

Mr. GILLET. I yield three minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, the real reason why this amendment is being supported here is not being stated in the debate, and probably will not be. Consequently I am going to state some reasons why I think the amendment should not be supported.

I do not think gentlemen will be led astray by these arguments with reference to it being necessary to clothe this official or this office with dignity. The rapidity with which gentlemen holding this place come and go is repellant to any notion of dignity. And after all, what is the chief function of a secretary to the President, or what has it been in the past 8 or 12 years? He has been the goat of the administration, upon whose sacrificial head are laid the sins of the Chief Executive of the Nation. If the President makes few mistakes the gentleman's tenure of office may be long. If the President makes a great many mistakes his tenure of office will be almighty short. Now, that is the fortune of war. He takes his chances. He gets a good salary, fully commensurate with the nature of the duties

that he has to discharge. And in this day and time, when we hear from every department of the Government of the tremendous effort that is being made in the interest of economy, it seems to me little less than foolish for gentlemen to ask that we depart from that policy in a case of this kind and give an already well-paid official more salary, as some gentleman has said, than is received by circuit judges, Members of Congress, and United States Senators.

Mr. GILLET. I yield to the gentleman from Illinois [Mr. GRAFF] three minutes.

Mr. GRAFF. Mr. Speaker, as one of the conferees I anticipated that there would be no trouble about the House conceding this request of the President of the United States, chiefly because the House, as I looked upon it, would yield that much to the discretion of the President of the United States in a matter so intimately personal as the position of Secretary to the President and the compensation thereof.

Every one of us knows the growing pressure of work upon the President of the United States, and I think we ought to give him all the equipment at least that he himself thinks necessary. In private, around me, as I have sat here during this debate, there has been speculation as to what Member of the House would, for instance, be fully equipped for a position of this character and the talents that were necessary to meet all of the requirements of such a position. The position demands a man of varied talents.

Mr. RAINEY. Will the gentleman yield?

Mr. GRAFF. I do.

Mr. RAINEY. Does my colleague know that Members of this House have been summoned by this Secretary to his private office and have been asked by him to vote for this increase in his own salary?

Mr. GRAFF. I know this: That the Secretary to the President who now occupies that position has already resigned to take effect in the near future, and I know that he has not conferred with me upon the subject; and the way in which I arrived at the conclusion that the President himself desired this to be done was through the action of the Senate and the communication which was sent to the chairman of the Senate Committee on Appropriations.

Mr. RUCKER of Missouri. Does the action of the Senate always reflect the wishes of the President?

Mr. GRAFF. I know it is the custom in this Congress and has been so for a century, to yield to the Senate concerning their conclusions as to the salaries and number of the employees of the Senate, and, on the other, it has been the custom of the Senate to yield to the House in its conclusions as to the salaries of the employees of the House. It would seem to me that we ought to yield at least an equal amount of courtesy to the President of the United States.

Mr. GILLET. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, this is not the first time the President of the United States has requested that the salary of the Secretary to the President be increased. It has been requested on two previous occasions during my service on the Committee on Appropriations. Much of the opposition to the proposed increase now, as heretofore, arises from the fact that we thoughtlessly construe the duties of the position of Secretary to the President as the term "secretary" naturally implies. That is, we assume that it is only a subordinate position, without any administrative or executive authority or responsibility; that it is merely a position of confidential errand boy to the President. In this we make a great mistake. It is a position that requires intelligence, tact, and good judgment, and a great deal of originality as well as diplomacy. The man capable of filling it is worth \$10,000 a year.

I am in favor of this increase also for the reason that it will enable the President to delegate to the man selected for this position some of the responsibility and much of the detail work he is called upon to perform. Members of the House who will stop to consider for one moment will see the extent to which the duties and responsibilities of the President are increased by Congress at every session. During this Congress we have greatly increased his responsibilities and duties and have greatly added to his labors.

Mr. FITZGERALD. How?

Mr. TAWNEY. In one case by requiring him to investigate with respect to discriminations in all tariff matters between this country and all foreign countries.

Mr. FITZGERALD. We gave him \$250,000 to do it.

Mr. TAWNEY. Yes; we gave him \$250,000, and thereby charged him with the responsibility of not only of administering that service, but also of administering that appropriation. We also gave him \$100,000, and charged him with the duty of investigating departmental methods, with a view to increasing

the efficiency of the public service, as well as economies in that service, by adopting more modern methods of administration than have heretofore obtained. It would therefore be an act of discourtesy to refuse him this request.

We have, as I have said, in every Congress been adding to the duties and responsibilities of the President. To grant this request will enable him to secure the services of another man to whom he can refer much of the drudgery he otherwise will be obliged to do, and afford him the time and opportunity for the consideration of questions of national policy and administration he is required to act upon in the discharge of his constitutional duties as President.

Mr. SHERLEY. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. SHERLEY. Have not we also taken away a large part of the duties from him by not compelling him to make all the appointments to office, which takes up most of the time of the President for nine months?

Mr. TAWNEY. The gentleman knows that that statement is not correct.

Mr. SHERLEY. Why is it not correct?

Mr. TAWNEY. Because he never made the appointments that are now in the classified service. The appointments he makes are outside of the classified service.

Mr. SHERLEY. But we are eliminating those offices right along and putting them into the classified service.

Mr. TAWNEY. I want to say, in conclusion, that the duties and responsibilities of the President have not only accumulated in number, but they have greatly increased in magnitude during the past 15 years. Any Member of this House who was here 18 years ago and visited the White House never saw the crowd of visitors demanding an audience with the President that he sees now. You never saw the crowds of Senators and Representatives there waiting for an interview with the President that you see now. The President should have next to him a man in whose judgment, political and otherwise, he has sufficient confidence to delegate the performance of some of these duties and the doing of much of the work he now personally performs. This would be a great relief to him, and it would afford him time and opportunity for the consideration of great national policies and questions affecting the administration of governmental affairs that no President can possibly give to such questions because of the vast amount of detail and drudgery work which the public and Congress now demands of him. I sincerely hope the amendment will be agreed to.

Mr. GILLET. Mr. Speaker, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is now, Will the House recede in its disagreement to the Senate and concur in the amendment?

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 52 ayes and 130 noes.

Mr. GILLET. Mr. Speaker, I ask for tellers.

The SPEAKER. All those in favor of tellers will rise. [After counting.] Twenty-six gentlemen have arisen, not a sufficient number, and tellers are refused.

So the motion was lost.

Mr. FITZGERALD. Mr. Speaker, I move that the House adhere.

Mr. MANN. Oh, no; it is proper to leave it to the conferees; the conferees will understand this, and I will say to my friend from New York that if it ever comes back I will stand by him.

Mr. FITZGERALD. We might as well settle it now.

Mr. MANN. I do not think it is fair to the conferees.

Mr. FITZGERALD. Very well, Mr. Speaker, I will withdraw the motion. I will move that the House further insist on its disagreement to the two Senate amendments.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Chair is informed that the next four amendments relate to the same subject. Without objection, they will be considered together.

There was no objection.

The Clerk read as follows:

Amendment No. 99, insert on page 100, line 18: "Assay office at Charlotte, N. C."

Amendment No. 100, insert on page 100, line 19: "Assayer and melter, \$1,500."

Amendment No. 101, insert on page 100, line 20: "For wages of workmen and other clerks and employees, \$900."

Amendment No. 102, insert on page 100, line 22: "For incidental and contingent expenses, \$500."

Mr. GILLET. Mr. Speaker, I move that the House insist on a disagreement of the Senate amendments.

Mr. WEBB. I will ask the gentleman to yield to me for five minutes.

Mr. GILLET. Mr. Speaker, I yield to the gentleman for five minutes.

Mr. WEBB. Mr. Speaker, swept of parliamentary verbiage, not to agree to these amendments simply means the abolition of the assay office at Charlotte, N. C. That office is the most historic building, possibly, in our State, situated in the beautiful city of Charlotte, a few hundred feet from the spot where the first declaration of independence was made on the North American Continent. The people down there have an affection for the institution, because it has been there since 1831, and in that time it has assayed millions and tens of millions of gold and silver money. If you adopt the motion of the gentleman from Massachusetts, you abolish this great institution, and leave it standing for the bats and cobwebs to infest in the future.

Mr. MANN. Oh, the gentleman will get it for something else.

Mr. WEBB. Mr. Speaker, I insist it is poor economy to adopt this motion. In the first place, the Government heretofore has expended \$4,750 a year to maintain this institution. The amendments which I now ask this House to hold in this bill provide for only \$2,900. In other words, the Senate placed in the bill \$2,900 for the maintenance of this historic institution instead of \$4,750. The Senate cut out an assistant assayer entirely, \$1,250. They reduced the appropriation for workmen and clerks \$180, and cut down the appropriation for contingent expenses from \$920 to \$420, making a clear reduction of \$1,850 in this one institution, asking that the House appropriate only \$2,900. Now, if this institution is abolished it will cost at least \$1,200 to secure a caretaker, and that ought to be figured if it is a question of economy. The receipts last year were something like \$1,000, and that was the low-water mark for the office. There are then \$2,200 that we should deduct from the \$2,900, and you have the great Government of the United States appropriating only \$700 for the convenience of the gold producers in North Carolina, South Carolina, Georgia, and Virginia, and last year, although it was a low-water mark, there were 206 depositors at this office, and in the last four years more than a million dollars in gold have been assayed at this great office.

We pay more than \$700 to maintain a rural route, and why should we swallow camels and strain at gnats and stickle at \$700 for the convenience of 200 depositors of gold and silver just now, when the gold production in North Carolina and the other States has taken an additional impetus, and in the next few years we expect to see the output increased in wonderful proportion. There is gold in those four States, but it is hard to dig it out of the earth—harder than to get it as they do it by placer mining in Alaska. The ore experts tell us that it is going to increase there, and additional facilities are now being placed for the purpose of digging out more gold. I hope that the House will give us one more chance down there and not destroy the assay office in this manner. Give us one more chance to see if we do not increase our gold deposits.

Mr. GOULDEN. Where would these gold producers be obliged to go to have their assays made if this were abolished?

Mr. WEBB. Either to New Orleans or to Philadelphia.

Mr. FOSTER of Illinois. How much gold is produced in North Carolina?

Mr. WEBB. I can not tell the gentleman. It varies. Two hundred and eighteen thousand dollars was assayed there in 1908.

Mr. GILLET. Oh, there was not that much gold produced in North Carolina.

Mr. WEBB. I did not say that. I said assayed at this office. It is not a great quantity, and it is hard to get it out of the ground, but we have it there.

Mr. FOSTER of Illinois. There is some deep mining and some placer mining?

Mr. WEBB. There is no placer mining in our State that amounts to anything.

Mr. HEFLIN. What is the amount required to keep up this office?

Mr. WEBB. The Government will be at an extra expense of only \$700 a year. Now, Mr. Speaker, to show the importance of the matter to the State of North Carolina, day before yesterday the legislature—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. May I have two minutes?

Mr. GILLET. Certainly.

Mr. WEBB. Day before yesterday, to show you, Mr. Speaker and gentlemen of the House, how our State regards this matter, it was deemed of sufficient importance to be brought up in the legislature, and every member of the legislature, Republicans and Democrats, voted for this resolution, which only arrived

this morning, and with the consent of the House I will read it.

Mr. AUSTIN. And the three Republicans voted for it.

Mr. WEBB. The three Republican Members from North Carolina are for it.

A joint resolution in regard to the United States assay office at Charlotte.

Whereas a movement is on foot before the National Congress to abolish the United States assay office at Charlotte; and

Whereas this assay office is a great convenience to the mining industries in the two Carolinas and Georgia; Therefore be it

Resolved by the house of representatives (the senate concurring), That our Senators and Representatives be requested to use their influence and best efforts to prevent such action and to secure the continuance and maintenance of this office as heretofore.

Resolved further, That this resolution shall be forwarded at once to both Senators and to the 10 Representatives in Congress from this State.

In the general assembly, read three times and ratified, this the 14th day of February, 1911.

W. C. NEWLAND,
President of the Senate.

W. C. DOWD,
Speaker of the House of Representatives.

Examined and found correct.

PETHEL, for Committee.

—
STATE OF NORTH CAROLINA,
OFFICE OF THE SECRETARY OF STATE,
Raleigh, February 14, 1911.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, hereby certify that the foregoing is a true and correct copy of the original resolution on file in this office.

Witness my hand and official seal at my office in Raleigh, this the 14th day of February, 1911.

J. BRYAN GRIMES, Secretary of State.

Now, gentlemen of the House, I ask that you do not concur in this amendment, but vote it down and provide for this great institution with this small appropriation. I hope the Members of the House will vote down the amendment.

Mr. GILLET. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I sympathize with the position taken by the gentleman from North Carolina in attempting to retain this assay office. I made an effort for several years to do the same thing with respect to the assay office in St. Louis. In my judgment it would be a parody upon legislation if the assay office in St. Louis would be abolished and the one at Charlotte, N. C., retained, because the business at St. Louis is about four or five times the volume of that of Charlotte. In spite of those facts I consented to the abolishment of the assay office in St. Louis in deference to the desire of the experts of the Treasury Department, who wanted to inaugurate a new plan in the interest of economy.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BARTHOLDT. I will.

Mr. GRAHAM of Illinois. In view of the statement of gentlemen that this industry in North Carolina is only an infant industry, I think, on the theory of the gentleman's party, it ought to be protected more than the St. Louis office, which is fully grown.

Mr. BARTHOLDT. Well, there is no trouble about taking care of infant industries. This is part of the new plan of the Treasury Department, which is strictly in accordance with the spirit of economy which controls the present Republican administration.

Mr. GRAHAM of Illinois. Was the gentleman in favor of that?

Mr. THOMAS of North Carolina. Will my friend yield for a question which is pertinent to this matter?

Mr. BARTHOLDT. I will.

Mr. THOMAS of North Carolina. I am in sympathy, of course, with my colleague from North Carolina [Mr. WEBB] and in favor of retaining the assay office at Charlotte, N. C., favoring it not only personally, but, besides, the North Carolina Legislature has passed resolutions favoring it. I am in sympathy with the gentleman from Missouri [Mr. BARTHOLDT] also, and I would like to see both assay offices retained; but the gentleman is mistaken, I think, in saying that the business at St. Louis is larger than the business at Charlotte, N. C. I have the hearings in my hand, and the business at both places is about the same.

Mr. BARTHOLDT. Mr. Speaker, I have only five minutes, and the gentleman can put in the figures, if he desires, in his own time.

Mr. THOMAS of North Carolina. I did not want to embarrass the gentleman at all, but I simply wanted to state the facts from the hearings before the Appropriations Committee.

Mr. BARTHOLDT. Mr. Speaker, I want to call the attention of Members of the House to the fact that when this bill

was before us previously, and when the merits of the plan recommended by the Treasury Department were under discussion here, and when it was the proper time for the gentlemen from North Carolina to make their arguments in favor of maintaining their assay office at Charlotte, not a voice was raised by them at that time. I was here in my seat and stated that I did not propose to continue fighting at every term and every session of Congress for the maintenance of an office which the executive branch of the Government had declared was unnecessary, but gentlemen from North Carolina were silent then, and not until the bill went over to the Senate and some enterprising gentleman representing the State of North Carolina had that item reinserted do they come and raise their voices in behalf of Charlotte, and that is after the Committee on Appropriations, by a unanimous vote of Republicans and Democrats, had decided that it was wise and proper and economical to reduce the number of assay offices, and that the work should be done at the larger offices.

Now, the gold from North Carolina can easily be sent to the mint at Philadelphia or to the mint at New Orleans, the same as the people of Missouri propose to send their gold to Philadelphia or to some other large assay offices or mints. And for that reason, Mr. Speaker, in the interest of the general plan of reform inaugurated by the Treasury Department, and in the interest of even-handed justice, Charlotte will be stricken from the bill.

The SPEAKER. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired.

Mr. SMALL. Will the gentleman from Massachusetts yield to me for five minutes?

Mr. GILLET. Will not two minutes be sufficient?

Mr. SMALL. I would rather have five minutes.

Mr. GILLET. I yield three minutes to the gentleman from North Carolina.

Mr. SMALL. Mr. Speaker, I understand that the gentleman from Missouri [Mr. BARTHOLDT] is now opposed to the retention of the assay office at Charlotte. Admittedly he has made an argument heretofore in favor of the retention of an assay office in the city of St. Louis, both of which were omitted in the House bill, but because the other body inserted an amendment to this bill retaining the assay office at Charlotte, though at a greatly decreased cost, and because St. Louis was not added by the other body, therefore the gentleman has changed his front and now contends that this assay office should be discontinued.

Mr. Speaker, I have in my hand the hearings on this bill, and the gentleman from the Treasury Department who was testifying stated that none of these assay offices were necessary, and when asked by a member of the committee, the gentleman from Georgia [Mr. LIVINGSTON], if he had recommended the abolishing of all the assay offices, he said:

We have not dared to go that far.

But he said they only recommended the discontinuance of the two assay offices at Charlotte, N. C., and at St. Louis.

Now, if in going that far he was actuated by motives which discriminated against both Charlotte and St. Louis, then I take it that this House will not discriminate, but that if all the assay offices are unnecessary it will discontinue all or will retain all, and because, forsooth, the assay office in the city of St. Louis has not been included as an amendment by the other body constitutes no good reason why the assay office at Charlotte should be discriminated against. And this assay office occupies a better position than that at St. Louis, because, while the amount of gold assayed at the two was about the same, yet we have the statement from my colleague Mr. WEBB, in whose district the city of Charlotte is situated, that the prospective supply of gold to be deposited at this office in the future will show a considerable increase, justifying the retention of this office in the interests of the Government.

Mr. Speaker, I ask the House not to discriminate in favor of one place as against another. Retain this office at Charlotte, and, if in the future the proposition shall come before the House to discontinue all of them, as the Treasury Department seems to recommend, then let the House consider them as a whole and not by piecemeal, but do not discriminate against the city of Charlotte, as is now proposed.

Mr. GILLET. Mr. Speaker, I just wish to say a word. This illustrates—and I think the House understands it—the difficulty of carrying through any reform. The Treasury Department assured us that this mint at Charlotte, N. C., was absolutely useless for the Government. There is not any gold mined to speak of in that region, and all the jewelry which has come there, which the gentleman refers to, can just as well be sent to some other mint. When the committee reported it should be stricken out, as well as St. Louis, this House approved the committee's action and struck it out. Now the Senate has

put it back and the gentleman from North Carolina, influenced, of course, by the natural feeling we all have for our home industries, wishes to get it back. But it is a sheer waste of public money, we are assured by the Treasury Department, and I trust the House will refuse to put it back.

Mr. THOMAS of North Carolina. Will the gentleman allow me to ask him a question?

Mr. GILLETT. Yes.

Mr. THOMAS of North Carolina. Why did you not abolish the assay office at Seattle while you were abolishing the assay offices at Charlotte and St. Louis? It is stated in the hearings that if the assay office at Seattle were abolished, then the people who owned the gold would send it to San Francisco themselves.

Mr. GILLETT. Yes, Mr. Speaker, undoubtedly under the present conditions all the assay offices could be abolished; but those at Seattle, San Francisco, and Boise, and others in the mining regions, are of some use to the people. This in North Carolina is absolutely of no use, and they struck out those which were the most useless, and I trust the House will approve the action.

The SPEAKER. The question is on the House further insisting on its disagreement to the Senate amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WEBB. Division, Mr. Speaker.

The House divided; and there were—ayes 47, noes 32.

Mr. WEBB. Tellers, Mr. Speaker.

Tellers were refused.

So the motion to further disagree to the Senate amendment was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

On page 152, line 7, strike out "one Assistant Secretary, \$5,000" and insert in lieu thereof "two Assistant Secretaries, at \$5,000 each."

Mr. GILLETT. Mr. Speaker, what number was that?

The SPEAKER. I am advised by the Clerk that it is No. 200.

Mr. GILLETT. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] moves that the House recede from its disagreement and concur in the Senate amendment.

Mr. MANN. Mr. Speaker, if I understand the motion, it would mean two Assistant Secretaries of the Department of Commerce and Labor. I think no one has kept more closely in touch with the Department of Commerce and Labor in the legislative branch than I have. I largely drafted the bill which created that Department and had charge of the bill in the House and in conference, and I have kept in touch with the work of that department from its origin to the present time.

While I greatly regret that I am compelled to differ in my judgment with the Secretary of that department, I am convinced that there is not the slightest need of two Assistant Secretaries in that department. We would be better off to-day if we did not have four Assistant Secretaries in the Treasury Department, positions largely filled by boys. [Laughter.] We would be better off to-day if we did not have four Assistant Postmasters General. We would be better off to-day if we did not have so many Assistant Secretaries of State. [Laughter.] And we would be better off if we did not have more than one Assistant Secretary of Commerce and Labor.

The only occasion for creating an assistant secretary of a department in the first place is that in the absence of the Secretary there shall be a head of the department. We have bureau chiefs who, in the main, do the work. There is too much time spent in the Department of Commerce and Labor now in signing letters that are prepared by bureau chiefs and transmitted by messengers from other branches of the service located elsewhere in the city to the Secretary or Assistant Secretary to sign. I suppose they may feel compelled to read those letters at the time they sign them. I sometimes have received half a dozen letters in a day in my committee from that department. I have no desire to criticize the desire of the Secretary to sign them himself, when they were all prepared or ought to have been prepared and signed by bureau chiefs.

Now, there is no occasion for this office, in my judgment. I do not believe that it should be the policy of the legislative branch of the Government to keep on adding to the assistant secretaries in the different departments. The best administered department in this Government to-day is the Agricultural Department [applause], where the Assistant Secretary is largely nominal. He is a good man. He does his work well, and the department is run by capable men, who are kept in it and who

have an interest in the work which they perform, and the Secretary does not undertake to do everything in that department. There is no occasion for changing from that style of administrative work to the style which would be carried on by adding to the number of assistant secretaries. The Navy Department has one Assistant Secretary. The War Department has one Assistant Secretary. Why should we undertake to say that we will go on and create assistant secretaries throughout the Government? If we create one for the Department of Commerce and Labor, next year we will be asked to create assistant secretaries for the other departments. Probably one new assistant secretary for this department will not be found sufficient, and they will want two, three, or four.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. GOULDEN. Does not the gentleman think that the labor is largely increasing in that department on account of the numerous bureaus that are embraced within it? Does he think there is any comparison to be made between that department and the other departments that he has referred to?

Mr. MANN. I do not agree with the gentleman at all. I made the most exhaustive study I could, when the bill creating the Department of Commerce and Labor was in process of formation, of all the executive departments and the manner of their organization. A gentleman came to me the other day and said he was writing a history of the departments of the Government, and stated that the greatest assistance he had received on that matter was from some remarks that I had submitted to the House on the creation of this Department of Commerce and Labor, tracing the history of the different departments of the Government and the different administrative work which they were performing.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. BARTHOLDT. Of course my friend knows better than I the facts in connection with the Department of Commerce and Labor, that it is a growing department, that it is a greater department to-day than almost any other in the Government, in spite of the fact that it has been created only recently. Now, is it not advisable from the standpoint of proper administration to relieve the Secretary himself of the small routine matters which necessarily occupy his attention, in order that he may devote himself to the greater problems and the more important questions engrossing the attention of the Secretary of so important a department as that?

Mr. MANN. I absolutely agree with the gentleman from Missouri that the Secretary ought to be relieved from the little routine details of the department, and if I were Secretary of Commerce and Labor I would be relieved before I had been Secretary two hours. It is a simple proposition. What do we have? We have great bureaus in that department, like the Bureau of Standards, located out here on the Chevy Chase Road. Why on earth, when they wish to write a letter, should it be sent down here opposite the Willard Hotel to be rewritten and signed by the Secretary of Commerce and Labor?

Mr. BARTHOLDT. Will the gentleman tell me, under this new executive arrangement, by which even Members of Congress can not go to the heads of bureaus to transact business, but must go to the Secretary or the Assistant Secretary for that purpose, how can the Secretary possibly relieve himself of the details?

Mr. MANN. The administration can very easily relieve itself if it does not get the creation of these new offices. That is not a matter of legislation. That is an administrative order, which, if it does not work well, can easily be changed.

Mr. FOSTER of Illinois. Is this taking of all letters to the Secretary the result of an order of the administration?

Mr. MANN. I do not know what it is the result of.

Mr. FOSTER of Illinois. Can the gentleman give a reason why it is necessary to do this? What is the excuse for it?

Mr. MANN. I do not undertake to say. It is a matter of administration. There may be a difference of opinion. I have no desire to criticize the Secretary of that department. I think Secretary Nagel is one of the ablest men in the country, and he is doing excellent work in his department.

Mr. GILLETT. Mr. Speaker, I am sorry that my friend from Illinois [Mr. MANN] is so sensitive about an amendment to the act which he drew, an act which I will admit was very wisely and admirably drawn, but at the same time I do not suppose it is so perfect that it will never need amendment.

Mr. MANN. I do not suppose the gentleman expects me to reply to that.

Mr. GILLETT. No.

Mr. MANN. It is a little beneath the gentleman's ordinary good judgment and does not require any reply.

Mr. GILLETT. I did not ask for any reply. Now, the Secretary of Commerce and Labor, as the gentleman says and as I believe, is one of the best executive officers we have. He came before the committee and very urgently requested this additional secretary for the reason, as he says, that practically all the time of either the Secretary himself or his assistant is taken up with the immigration business. Now, the immigration appeal cases are perhaps not intrinsically of very great importance, but you can see that the personal equation in them appeals very much to the Secretary, and he thinks that either the Secretary or his assistant ought personally to investigate those cases. He says it is mainly for that purpose, to take care of those immigration cases, that he needs this assistant secretary.

Mr. COX of Indiana. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. COX of Indiana. If the Secretary of the Department of Commerce and Labor has asked for these two men, why did not the gentleman, when he reported this bill to the House in the first instance, ask for two assistant secretaries?

Mr. GILLETT. We did, and the trouble is that the gentleman or one of his associates in the business of making points of order prevented the House taking any action upon it.

Mr. MANN. I took that responsibility. And if the gentleman from Massachusetts had performed the functions of his office as well as I did mine, I think the Senate would not have reinserted the item.

Mr. GILLETT. I am glad the Senate did reinsert it.

Mr. MANN. That is the reason why they did.

Mr. GILLETT. I would have been glad to submit it to the House at that time. It might have been submitted to the House, and not have consumed time on the conference report, but, of course, the gentleman had a perfect right to raise a point of order, so that the House had no opportunity to pass upon it.

And now the question is, Shall the Secretary of Commerce and Labor, who assures us that it is very important for the proper administration of his office, have an assistant who can attend to the immigration work? This is growing and there is no prospect of its decreasing. He made a very strong impression on us, and we in the committee thought it ought to go on. I hope the House will recede and concur in the Senate amendment.

The SPEAKER. The question is, Will the House recede in its disagreement and concur in the Senate amendment?

The question was taken; and on a division (demanded by Mr. GILLETT) there were—ayes 27, noes 35.

Mr. GILLETT. I demand tellers.

The SPEAKER. The gentleman from Massachusetts demands tellers. All those in favor of tellers will rise. [After counting.] Seventeen gentlemen have arisen, not a sufficient number, and tellers are refused.

So the motion was lost.

Mr. FOSTER of Illinois. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 202: Insert after the word "abroad" the words "and in the United States, including the insular possessions," so that it will read:

"For compensation at not more than \$10 per day and actual necessary traveling expenses of commercial agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States."

Mr. GILLETT. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 203: After the word "States" strike out the word "forty" and insert the word "sixty," so that it will read "\$60,000."

Mr. WEBB. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. GILLETT. I will yield three minutes to the gentleman from North Carolina.

Mr. WEBB. Mr. Speaker, we all know that the manufacturers of this country, especially the cotton manufacturers, are making in recent years a desperate effort to sell more of their products in foreign countries. That is the origin of this provision in the appropriation bill. We want to aid and encourage them in this laudable undertaking.

We produce 75 per cent of all of the raw cotton of the world, and possibly export not more than 5 per cent of the manufactured cotton of the earth. England exports fifteen times the cotton manufactures that we do. There is scarcely a great subject about which this country knows so little as the importance of the sales of cotton goods in foreign markets. We have seemed content to raise three-fourths of the raw cotton of the world, manufacture what little cotton goods are used for ourselves, and let the vast markets of the world, consisting of a billion, five hundred million people, go uninvestigated as to their needs of cotton goods. This \$40,000 was put in the appropriation bill for the purpose of selecting good, skilled men to go over the face of the earth and investigate trade conditions and cotton goods markets and report back to the manufacturers of the United States, in order that they may see and find out where to send their goods and with what people to cultivate the sales of cotton goods and where our people should send special solicitors and agents to secure sales for their manufactured products. There is very little difference between \$40,000 and \$60,000, but this idea ought to be encouraged. We encourage it in almost every other occupation and profession, and in addition to this, Secretary Nagel came before the House Committee on Appropriations and urged the increase of this appropriation from \$40,000 to \$60,000. It is a mere bagatelle, but it will help to employ one or two more good men for the purpose of finding out where we might have the best sales for the manufactured products of our cotton. I hope, therefore, the House will adopt the motion to recede and concur with the Senate amendment, and make the appropriation \$60,000 instead of \$40,000.

Mr. GILLETT. Mr. Speaker, I agree with the gentleman that it is not of very great importance whether \$60,000 or \$40,000, but \$40,000 is the sum we have had for years. They are doing valuable work and have done it with \$40,000, and we were not convinced they could not continue to do it with \$40,000.

Mr. WEBB. The Secretary asked for \$60,000, did he not?

Mr. GILLETT. Yes.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House do recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. WEBB) there were—ayes 31, noes 25.

So the motion to recede and concur was agreed to.

The SPEAKER. That completes the amendments.

Mr. GILLETT. Mr. Speaker, I move that the House agree to the further conference asked by the Senate.

The motion was agreed to.

The Chair appointed the following conferees on the part of the House: Mr. GILLETT, Mr. GRAFF, and Mr. LIVINGSTON.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I call up the conference report on the bill H. R. 31237, the Army appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read as follows:

STATEMENT.

Amendment No. 1 changes the language from "War Department" to "Chief of Staff," and the House recedes.

Amendment No. 2 under the appropriation for the Signal Service of the Army makes \$25,000 immediately available, and the House recedes.

Amendments Nos. 3, 4, 5, and 6 change the phraseology, with a proviso for the operation of aeroplanes and other aerial machines, and the House recedes.

Amendment No. 7 removes the stoppage against officers who received pay for higher commands during the Spanish War, and the House recedes.

Amendment No. 8 corrects the total, and the House recedes.

Amendments Nos. 9 and 10 provide for clerks at posts commanded by general officers, and the House recedes.

Amendment No. 11 confines the appropriation to the increased pay of retired officers assigned to active duty, and the House recedes.

Amendment No. 12 makes clear what was intended by the original law as to veterinary surgeons, and gives them the right of the retired pay of a second lieutenant, and the House recedes.

Amendment No. 13 relates to travel allowance to enlisted men on discharge, and the Senate recedes.

Amendment No. 14 relates to clothing not drawn due to enlisted men on discharge, and the Senate recedes.

Amendment No. 15 relates to mileage, and the Senate recedes.

Amendment No. 16 strikes out the word "Provisional," which is no longer proper, and the House recedes.

Amendment No. 17 is a correction of the total pay for certain officers, and the House recedes.

Amendment No. 18 relates to Army paymasters' clerks, and the committee report a disagreement.

Amendment No. 19 extends the appropriation for encampment maneuvers until the end of the fiscal year 1913, and the House recedes.

Amendment No. 20 is a correction of the amount to be paid as reimbursement to the adjutant general of Missouri. Amendment No. 21 makes this payment as a settlement in full, and the House recedes from both amendments.

Amendment No. 22 relates to an increased amount for the Coast Artillery Militia, and the House recedes.

Amendment No. 23 relates to the increased officers, and the committee report a disagreement.

Amendment No. 24 relates to subsistence of competitors in the national rifle match, and the House recedes.

Amendment No. 25 inserts the word "hereafter," so as to make the provision permanent law, and the House recedes.

Amendment No. 26 relates to contracts not to be performed within 60 days by the Commissary General; and the Senate recedes.

Amendment No. 27 strikes out certain language which is now permanent law; and the House recedes.

Amendments Nos. 28 and 29 are simply punctuation; and the House recedes.

Amendment No. 30 relates to the appropriation for the purchase of a remount station in the State of Virginia, and amendment No. 31 restores the amount to what was reported by the House committee; and the House recedes from both amendments.

Amendment No. 32 relates to sales of furniture to officers on the active list not occupying public quarters; and the Senate recedes.

Amendment No. 33 increases the amount provided for a chapel at Fort Yellowstone; and the House recedes. Amendment No. 34 relates to the location of the chapel; and the House recedes and agrees to the same with an amendment.

Amendment No. 35 relates to the building of a chapel at Fort Sam Houston, Tex., and makes \$221,700 immediately available for barracks and quarters; and the House recedes.

Amendments Nos. 36 and 37 are punctuation; and the House recedes.

Amendment No. 38 inserts the word "hereafter" in the proviso relating to the accommodations on Army transports; and the House recedes.

Amendment No. 39 is verbal; and the House recedes.

Amendment No. 40 extends the privileges on the transports to secretaries of the Young Men's Christian Association, and also permits, under certain conditions, the shipment of goods to Guam under regulations prescribed by the Secretary of War; and the House recedes.

Amendment No. 41 inserts the word "hereafter"; and the House recedes.

Amendment No. 42 removes the suspension in the accounts of quartermasters for certain years, for hire of motor vehicles, repair, operating, and maintaining the same; and the House recedes.

Amendment No. 43 is the total amount appropriated for water and sewers at military posts; and the House recedes from its disagreement and agrees to the same with an amendment striking out "sixty-seven" and inserting "fifty."

Amendment No. 44 relates to the amount of money necessary to be used at the Fort D. A. Russell target and maneuver reservation, Wyo., and the House recedes.

Amendment No. 45 is simply a change in the language in the provision appropriating for Fort Meade, S. Dak., and the House recedes.

Amendment No. 46 increases the appropriation \$50,000 for roads in Alaska, and the House recedes.

Amendment No. 47 provides the Secretary of War may, in his discretion, assign retired officers to work in Alaska, and the House recedes.

Amendment No. 48 removes the suspension against the accounts for the transportation of officers' authorized horses for 1909 and 1910, and the House recedes.

Amendment No. 49 relates to the establishment of a dental corps in the Army, and the committee report a disagreement.

Amendment No. 50 authorizes the release of a strip of land for street purposes to the city of St. Augustine, Fla., and the House recedes.

Amendment No. 51 is verbal, and the House recedes.

Amendment No. 52 strikes out the words "until expended" and makes the appropriation for field artillery for the Organized Militia available until the end of the fiscal year 1913, and the House recedes.

Amendment No. 53. The House recedes from its disagreement and agrees to the same with an amendment making more clear the limitation of the promotion of the officers affected.

J. A. T. HULL,
GEO. W. PRINCE,

Committee on part of the House.

Mr. HULL of Iowa. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. HULL of Iowa. Mr. Speaker, there are three amendments disagreed to. One of them relates to the paymasters' clerks, No. 18. I think that is the first, and I ask that the Clerk report the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, after line 23, insert:

"Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed 1 officer for each State, Territory, and the District of Columbia; not to exceed 1 additional officer for each division, brigade, regiment, and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the Staff Corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 612: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That 30 of the additional officers herein provided for shall be detailed to service in the Quartermaster's Department, which is hereby increased by 2 colonels, 3 lieutenant colonels, 7 majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901."

Mr. HULL of Iowa. Mr. Speaker, I move that the House recede and concur in the Senate amendment, and I ask that the Clerk may read in my time this brief, which I send to the desk.

Mr. SULZER. Mr. Speaker, this amendment should be adopted. During hostilities troops must be paid the same as in times of peace. The paymaster and his clerk must go to the front, frequently on the firing line, and, as opportunity presents, make their payments. This makes it necessary to pass some time exposed to the same risks as are officers and enlisted men. The clerks of the other departments never undergo this risk and danger. Every squadron and battalion has its commissary and quartermaster sergeants who perform this duty with troops engaged in actual field duties. Every regiment has its regimental quartermaster and commissary sergeants for this dangerous duty, which in the pay department must be performed by the paymasters' clerks. The commissary and quartermaster sergeants are eligible to retirement, can get pensions for themselves and dependents, and have many allowances.

In every case where troops take the field for any length of time paymasters and their clerks must go also. The clerks accompanied their paymasters over the western plains during all the Indian campaigns, endured all the hardships and dangers incident to fighting a savage foe, exposed to the fierce blizzards which at times sweep over these plains with the thermometer many times registering 50° below zero. During the Indian campaigns and during the fights of the last 11 years in Cuba, Porto Rico, and the Philippines, paymasters and their clerks have been with the troops, and it has been no uncommon thing for payments to be made while hostile armies face each other, exposed to the same dangers as the officers and men.

The almost constant travel in making payments to the widely scattered forces in the Philippines exposes the paymaster and his clerk to many dangers to which not even the troops serving there are exposed. Most embarkations and debarkations are made by jumping into the water and wading to and from the frail craft in which the trips are made.

The clerks are exposed to various diseases prevalent in the Tropics, to constant danger of attack from hostile natives, and from persons attracted by the large sums in cash necessarily carried by the paymaster. Yet the clerk, exposed to all the dangers to which his chief is exposed, has no allowance, no retirement, no pension, must pay for his medicines and medical attention, and if disabled must seek employment in civil life after devoting the best years of his life in dangerous and exposed service for the Government.

Mr. CLARK of Missouri. Mr. Speaker, what is the sense of this maximum age limit?

Mr. HULL of Iowa. Sixty-four?

Mr. CLARK of Missouri. Oh, no; 21 to 28.

Mr. HULL of Iowa. That is age at entering and gets a young man into the service, and the Government gets the benefit of a long service from him before he has any privilege of retirement. The age on entering the service for the Army, I think, is limited to those under 29 years of age.

Mr. CLARK of Missouri. Well, I know, but the service of an Army officer and the service of an assistant paymaster are entirely different; one is military and the other is commercial.

Mr. HULL of Iowa. I think you will find the service of a paymaster's clerk is largely military, too, and I will be glad—

Mr. CLARK of Missouri. I would like to know what he does which is of a military character.

Mr. HULL of Iowa. He goes with the paymaster wherever ordered. He is to-day, with this detailed system, one of the most valuable officers in the Government. Under this provision he becomes an appointed officer, and, in case of the death of the paymaster, he completes payments, without having to wait until another paymaster is sent there, and I will say further—

Mr. CLARK of Missouri. Why can not a 50-year-old man pay out this money just as well as a man 27½ years old?

Mr. HULL of Iowa. There is no doubt of it, but to all lines of service where we give the privileges of retirement we hold that a man should have been more than 15 years in the Government service before he is entitled to such recognition, and I will be very glad if the gentleman will pay attention to the reading, because I think it is a very clear explanation.

Mr. SULZER. That provision as to age will not apply to those now in the service, of course, but only to those who will be appointed in the future.

The Clerk read as follows:

Purpose of and benefit to Pay Department, United States Army, in connection with Senate bill No. 1941, Report No. 605, Sixty-first Congress, second session, entitled "To increase the efficiency of the Pay Department, United States Army."

1. Will change designation from paymaster's clerk to paymaster's assistant.
2. Will authorize the President to appoint them as such.
3. Will make them in law what they are in fact—an integral part of the Army, under direct control of the War Department.
4. Will confine the appointments to young men under 28 years of age, after satisfactory mental and physical examination.
5. Will require them to be bonded. This is but a proper precaution, in view of the nature of their duties.
6. Will enable the department to retain the services of men carefully trained in the work, where long experience, good education, and thorough reliability are of the highest importance.
7. Field service. Have great responsibilities and encounter danger; during hostilities are in the field with the paymaster, and could be made immediately available as volunteer paymasters or as instructors to new appointees.
8. In case of accident or illness of paymaster on pay tours, or in the field, the assistant could complete payments, thus avoiding expense.
9. Would be available to authoritatively instruct militia (in advance) in preparation of pay rolls for payment when in encampment with United States troops or United States Volunteers, thus avoiding errors and endless delays as well as additional expense to the United States.
10. The detail system is rapidly replacing permanent officers of the Pay Department with officers of the line, and the paymasters' clerks are thus rapidly becoming the only permanent force who are thoroughly trained in the methods and practices of the Pay Department and versed in the laws, decisions, regulations, etc., governing such disbursements.
11. They have no tenure of office, although the courts and Comptroller of the United States Treasury hold them to be officers of the military establishment. See also decision of United States Attorney General, July 29, 1909, House Document No. 1013, Sixty-first Congress, third session, page 493, in which he holds them to be officers in the regular service within the meaning of the acts of Congress with respect to retirement.
12. Will give the Pay Department a trained corps of young men, mentally and physically competent, who without delay could be utilized for any emergency in the field wherever the Army of the United States may be serving.
13. Navy paymasters' clerks are entitled to be retired (act June 24, 1910, 36 Stat., 606), and their compensation (pay and allowances), under the act of May 13, 1908 (35 Stat., 128), and the act of June 24,

1910 (36 Stat., 606), is greater for the same length of service than the compensation provided by this bill.

14. It has been decided by the Civil Service Commission that the appointment to the position of paymaster's clerk does not place the appointee in the classified service, and, therefore, he is not eligible to transfer to a classified position.

The pending measure was approved by the Hon. William H. Taft when Secretary of War and also by Secretary of War J. M. Dickinson. Passed United States Senate June 23, 1910.

Similar bill reported favorably by House Military Committee December 6, 1910 (Rept. 1739).

Mr. HULL of Iowa. Mr. Speaker, I ask that the balance may not be read but inserted in the RECORD, as it is simply an argument.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

[Inclosure No. 2.—To accompany S. 1941, Sixty-first Congress, second session.—House Report No. 1739, third session.]

PAYMASTERS' CLERKS IN THE FIELD.

During hostilities troops must be paid the same as at other times. The paymaster and his clerk must go to the front, at times on the firing line, and, as opportunity presents, make their payments. This makes it necessary to pass some time exposed to the same risks as are officers and enlisted men. The clerks of the other supply departments never undergo this risk and danger. Every squadron and battalion has its commissary and quartermaster sergeants, who perform this duty with troops engaged in actual field duties. Every regiment has its regimental quartermaster and commissary sergeants for this dangerous duty, which in the Pay Department must be performed by the paymasters' clerks. The commissary and quartermaster sergeants are eligible to retirement, can get pensions for themselves and dependents, and have many allowances. In every case where troops take the field for any length of time paymasters and their clerks must go also. The clerks accompanied their paymasters over the western plains during all the Indian campaigns, endured all the hardships and dangers incident to fighting a savage foe, exposed to the fierce blizzards which at times sweep over these plains with the thermometer many times registering 50° below zero. During the Indian campaigns and during the fights of the last 11 years in Cuba, Porto Rico, and the Philippines, paymasters and their clerks have been with the troops, and it has been no uncommon thing for payments to be made while hostile armies face each other, exposed to the same dangers as the officers and men.

The almost constant travel in making payments to the widely scattered forces in the Philippines exposes the paymaster and his clerk to many dangers to which not even the troops serving there are exposed. Most embarkations and debarkations are made by jumping into the water and wading to and from the frail craft in which the trips are made. The dangers are very great from the drinking water, from various diseases prevalent in the Tropics, and from the constant danger of attack from hostile natives and from persons attracted by the large sums in cash necessarily carried by the paymaster with small escorts, and at times, when all troops are needed on the firing line, with no escort at all and only such protection as the paymaster and his clerk, who are habitually armed, can afford themselves and the funds in their charge. Yet the clerk, exposed to all the dangers that his chief is exposed to, has no allowances, no retirement, no pension; must pay for his medicines and medical attention, and if disabled must seek employment in civil life after devoting the best years of his life in dangerous and exposed service for the Government.

SOME SPECIFIC INSTANCES WITHIN THE MEMORY OF ALL.

During the Geronimo campaign, 1883-1886, in Arizona and New Mexico seven paymasters and their clerks were with troops—made payments to them during the continuance of the hostilities, traveling overland from camp to camp, and extending the journeys at times to the Mexican boundary. During the Indian uprising, 1890-91, in Dakota and Montana all the available paymasters and their clerks were in the field and paying troops, and to do it necessarily traveled many hundred miles in winter, through a country infested with hostile Indians, at times having no protection other than that afforded by the guns carried by the paymaster and his clerk, no troops being available.

In 1898, just as soon as a landing had been assured, paymasters and their clerks went to Cuba and remained with the troops until the island was pacified.

Paymasters and their clerks accompanied the first expedition to the Philippines and underwent the same dangers and exposures as the other troops. Gen. Whipple and his clerk had a thrilling experience during 1898 in the Philippines making a landing to pay volunteer troops; they were also attacked by seven highwaymen in Montana in 1884, in which fight two men were killed and one wounded. Maj. Downey and Pickett and their clerks both had running fights with the insurgents in the Philippines. Maj. Downey's clerk going directly under fire to adjust a rifle (which had jammed) for a recruit, and Maj. Pickett's clerk being wounded.

Dating back from 1882, the experience of paymasters and their clerks in the field with troops fighting hostile Indians is one continual story of hardship and danger.

KNOWN INCIDENTS OF ACTUAL HOLDUPS AND CASUALTIES.

Maj. Broadhead and Clerk Spencer. Clerk killed by robbers in California, 1876, en route to Camp Gaston.

Maj. Wham and clerk. Clerk killed and eight out of 11 of escort killed or wounded near Fort Grant, Ariz., 1889.

Gen. Whipple and Clerk Such. May, 1884, near Glendive, two of escort killed and one wounded. No loss of funds.

Maj. C. I. Wilson and clerk. In Texas, 1876, attacked by a force of 12 or more. Unsuccessful.

Maj. Woods and clerk. Near Camp McDermitt, Nev., in 1873. No loss of funds or casualty.

Maj. E. H. Brook and clerk. Attempted robbery, River Bend, Colo., 1873.

Maj. Eggleston and clerk. Attacked by robbers on road between Boise and Camp Wagner, Idaho. Unsuccessful; one robber killed.

Maj. George E. Pickett and Clerk Oliver. Attacked by 300 insurgents in Philippine Islands. One of escort killed, clerk wounded; \$75,000 funds defended safely.

Maj. Cox, Clerk Palmer. Clerk died from effects of hard service during Geronimo campaign.

Maj. G. F. Downey and clerk. Were in severe running fight with insurgents of Philippine Islands in 1901, clerk going directly under fire to adjust a rifle (which was jammed) for a recruit.

Mr. HULL of Iowa. Mr. Speaker, I am ready to yield to any gentleman who desires to discuss the question.

Mr. FITZGERALD. I should like five minutes.

Mr. HULL of Iowa. I will yield five minutes to the gentleman.

Mr. FITZGERALD. Mr. Speaker, this provision provides retirement for a class of civil employees. It seems to me if Congress is to consider the extension of the civil retirement list it should take up the entire question and dispose of it in a manner that would be entirely fair to all Government employees. The gentleman from Iowa states that these men perform military services. The only way in which their services can be characterized as being at all military is the fact that they are disbursing money to pay persons employed in the Army and are compelled in the discharge of their duties to go from one place to another rather than to be confined to a single place. Their services are not military in any sense whatever. They have gone on under the present system for a great many years, ever since the present system was instituted, and never until the present time has a serious attempt been made to give them the standing here proposed together with a pension when they retire. The only purpose of this bill is to pension these employees. Nobody contends for an instance they are to be in the Army in the sense of being called upon for military service. The paymasters' clerks are to be named as assistant paymasters and are to be placed on the retired list. Why should not a paymaster's clerk in the Navy—

Mr. BUTLER. They are.

Mr. HULL of Iowa. They have had that long ago, and higher than this.

Mr. BUTLER. The retirement was given last year.

Mr. MANN. Was it slipped in on some bill?

Mr. FITZGERALD. It was slipped in some place, Mr. Speaker, at a time when Members were not actively watching some things which were being done. Was that item incorporated in the naval appropriation act?

Mr. BUTLER. No; in a separate bill passed here, or perhaps put on in the Senate as a rider, and came back to us in that way. I do not know; I wish I could inform the gentleman.

Mr. FITZGERALD. I imagine it got on the naval bill and came back in the agreement from conference. It shows the vicious system that is followed. First, clerks or employees in one service of the Government manipulate matters in such a way that they are given a better status and retired with pay, and then a similar body of men in another department of the Government, using that as an argument, demand similar concessions. It runs from one department of the Government to another, and the next attempt will be that of some class of employees in some other department of the Government performing more arduous and difficult services than these men will ask as generous treatment. There is a class of men, in my opinion, who are entitled to a civil pension much more than paymasters' clerks in the Army. The life-saving corps should be given a pension if any class of men are. They receive \$65 a month, 10 months in the year. They have to subsist themselves. They render the most difficult, arduous, and the most important service possible. They are poorly paid, and they have no influential friends in either House of Congress. They are unable to secure legislation to aid them.

Mr. SLAYDEN. And they have a real personal risk in their vocation?

Mr. FITZGERALD. They are compelled to perform their work during the most severe weather and under the most difficult circumstances. The paymasters' clerks in the Army have no more difficult services than a clerk in a department. It may be more attractive, since they serve in different parts of the country. I should like the gentleman in charge of the bill to explain the effect of bonding these officials. The paymasters now are responsible for the handling of the funds. This provision requiring the clerks to be bonded very likely relieves the paymaster himself from the responsibility of any defalcation should it arise by reason of the action of the clerks. It seems to me that this is not either the time to increase the officers in the Army or to provide for retirement of any class of men. So far as I am concerned, I shall vote against the motion of the gentleman from Iowa [Mr. HULL].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendment of the House to the amendment of the Senate to the bill (H. R. 27837) entitled "An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to \$2 a day, and for other

purposes," with the following amendment: Line 4 of the amendment, after "compensation is," insert "now."

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians; and

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is perfectly evident to anyone who will stop to think for a moment that this provision will not work in the long run. Whether it is intended in the course of time to bring in another provision I do not know, but certainly it will have to come in. Here is a provision to appoint paymasters' assistants at an age not less than 21 and continue them as clerks, with the salary of second lieutenant, until the age of 28 years, the paymaster to be a young cub in the Army. Everybody knows that can not be worked. You can not detail a captain in the Army for four years in charge of a paymaster 65 years old, with the cub receiving a high salary and the paymaster's assistant getting the pay of second lieutenant without allowances. It is absolutely ridiculous in that respect, and the gentleman from Iowa [Mr. HULL], and every other gentleman, knows that is not workable in that way. Paymasters' clerks ought to be comparatively young men. They are now and they always will be under the present system, but to say that you are going to keep paymasters' clerks or paymasters' assistants in the Army on the pay of a second lieutenant until they reach the age of 70 and then retire them on that pay, when their superior officer, who knows nothing about the business under the detail system, gets high pay, is ridiculous. It will not work. No one here believes it will work.

Now, I think myself there ought to be something done in reference to the paymasters' clerks, or else a change made in the detail system of the Army. As long as that did not exist there was no trouble about paymasters' clerks. It is proposed here now to have the President appoint these. If these men were to be appointed under the civil-service rules, as the men in the Treasury Department and the subtreasury and other disbursing departments of the Government are appointed, there would be no trouble about getting good men, and there would be no trouble about a retirement any more than there is with other civil branches of the Government.

Mr. HULL of Iowa. Mr. Speaker, just one word. The gentleman from Illinois seems to have an absolute misapprehension of what this amendment does. He says it is perfectly absurd to talk of a paymaster's clerk remaining there with a rank not above that of second lieutenant, while the cub, as he calls the officer over him, has the rank of captain and may go up to a higher grade yet. These paymasters' clerks are now receiving the pay of \$1,800 a year, without a prospect of anything else coming to them. This amendment improves slightly their status.

Mr. MANN. How old is the oldest one?

Mr. HULL of Iowa. Some of them are over 70. Some of them went into the Civil War and then went into the paymaster's office and have been there ever since.

Mr. COX of Indiana. How many of them are there?

Mr. HULL of Iowa. There are 92 of these clerks. There have been more than 25 of the best young men who have resigned out of the service in the last two years because there is no hope if they stayed in as these older clerks have of having anything to live on in their old age unless retained in the service. They are compelled to go where the paymasters go. They are compelled to go on the field, and compelled to endure the same hardships and the same dangers that the paymasters themselves endure.

Mr. BUTLER. What dangers does the paymaster endure?

Mr. HULL of Iowa. A great deal more than the Navy paymasters.

Mr. MANN. Their ship may be sunk.

Mr. BUTLER. The paymaster does not go into battle.

Mr. HULL of Iowa. The paymasters' clerks go wherever the paymasters do. And does not the gentleman know that in the last 30 years paymasters' clerks have been killed on the frontier?

Mr. BUTLER. I regret my ignorance; and say that I am sorry for the paymasters' clerks. That is all I can say.

Mr. HULL of Iowa. But the argument of my friend, that it is absurd to say that these men would be under the same conditions as now, is not well taken, because it improves their condition to give them this rank, not in the Army, but as assistant paymasters. They have always been held to be part of the military establishment. On an entirely different footing from that held by other clerks.

Now, he referred to another thing, and to my mind it is important, namely, this detail system. Captains are detailed to the Paymaster's Corps for a service of four years. They go there without experience. Each one of them has one of these experienced clerks assigned to him, and the efficiency of the captain in the Paymaster's Corps depends in the first two years of his service very largely on the efficiency of the clerk assigned to him.

Mr. MANN. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. Yes.

Mr. MANN. Is that a matter of law, or is it an Army regulation?

Mr. HULL of Iowa. That is a matter of law.

Mr. MANN. Where is the law for that?

Mr. HULL of Iowa. It is a law passed in 1901, I believe, requiring details and making exceptions, as in the Engineer and the Medical Corps. These two corps are exempt from the detail.

Mr. MANN. Does the gentleman believe in it?

Mr. HULL of Iowa. I have stated my views on this frequently.

Mr. STAFFORD. Will the gentleman from Iowa be good enough to tell the committee whether there has been any difficulty in obtaining competent men to fill those 25 places to which he refers?

Mr. HULL of Iowa. I may say that the difficulty is not so much in obtaining the new men but in keeping them in when they are once in.

Mr. STAFFORD. Has the department been handicapped in getting these men?

Mr. HULL of Iowa. It has been handicapped in breaking them in and in holding them.

Mr. HAY. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. Yes; I will yield to the gentleman from Virginia.

Mr. HAY. I will ask for three minutes.

The SPEAKER. The gentleman from Virginia is recognized for three minutes.

Mr. HAY. Mr. Speaker, I am as much opposed to anything looking to putting people on the retired list or granting them a pension as anybody can be, but after a careful consideration of this question I am satisfied that the enactment of this bill will inure to the benefit of the service. This bill, Mr. Speaker, was reported by the Committee on Military Affairs to the House, and is now on the calendar of the House. As I said, it is a bill which, in my judgment, will be for the benefit of the service. It is impossible to get men to perform these duties and to stay in the Pay Corps of the Army with the salary and with the future which they now have. Under the detail system inaugurated some time ago the Paymasters' Corps is placed under that system, and officers are detailed to the Paymasters' Corps who are entirely ignorant of their duties. They practically have to be taught their duties by the paymasters' clerks, and therefore, for that reason, it is very important that there should be an efficient corps of paymasters' assistants.

For another reason I am in favor of this bill. This does not give to the paymaster's assistant any promotion whatever. It simply keeps him practically in the rank of second lieutenant. He is not given any particular advantage, except that, and owing to the peculiar duties which he has to perform, it is of importance to the service that he should have and should be recognized to have this rank.

If I had the time, I might demonstrate to the House that this service is arduous and at times hazardous. Paymasters' clerks have been killed in the discharge of their duty. They may be killed again, and it will not do to say that they have no risks to run. I believe, and I think if gentlemen will consider this matter carefully, they will admit that it is in the interest of economical administration to give to these clerks this rank, if you please to call it so, and to put them in a position where they will be willing to stay in the service. And believing that, I shall support this motion of the gentleman from Iowa, and I hope it will prevail.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HILL. May I ask the gentleman from Iowa [Mr. HULL] what change is made in the responsibility of this officer, so far as bonding is concerned, from what exists now?

Mr. HULL of Iowa. He is not a bonded officer now.

Mr. HILL. Who is bonded now?

Mr. HULL of Iowa. The paymaster himself is bonded by his commission.

Mr. HILL. For that reason I will oppose this proposition. We went through a similar experience in the subtreasury system about a year ago. It is a very serious mistake to take a subordinate officer and make him responsible directly to the Government and at the same time leave his superior officer, who has full power and control over him, without responsibility, and to leave it in such a way that that officer can shirk the responsibility by saying that the clerk is bonded directly to the Government.

Mr. PRINCE. May I make a suggestion to the gentleman?

The SPEAKER. Does the gentleman from Connecticut [Mr. HILL] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. HILL. Yes.

Mr. PRINCE. Mr. Speaker, the point I want to make is that his commission as an officer of the Government, which carries with it longevity pay and the right to be on the retired list, is to that extent like that of a commissioned officer, and it stands as a bond for him.

Mr. HILL. For him?

Mr. PRINCE. Yes; for him.

Mr. HILL. That is exactly what I do not want.

Mr. PRINCE. The instances are very rare where an officer connected with the Army will, by malfeasance or misfeasance in office, forfeit his standing as an officer, his right to longevity pay, and his right to retirement.

Mr. HILL. That is exactly what I do not want. The functions of these men are purely civil. I served in a somewhat similar capacity in the Civil War. I have been through the experience of being ordered by a military officer when he practically was not responsible. I want the responsibility to be on the military officer and to have the clerk give bond to him and not to the Government, so that the officer who issues the order will be responsible. It is a purely civil function that the paymaster's clerk performs, and he ought not to have a military rank. You are overloading and making top-heavy the work of the Army and Navy by taking clerks and giving them military rank. In my judgment it tends toward extravagance, it tends toward belittling the military rank of the men who perform military service. It makes shaky the responsibility of these men to the Government, and it ought not to be done.

Mr. BARTHOLDT. Will the gentleman allow an interruption?

Mr. HILL. Yes.

Mr. BARTHOLDT. Of course I am not an expert in matters of war, but I happen to know that there is no other country on earth in which the paymasters' clerks are not a part and parcel of the military establishment.

Mr. HILL. Then let them enlist and have a fixed term of service. Any one of these men can withdraw to-morrow morning.

Mr. SLAYDEN. Mr. Speaker, will gentlemen who are discussing this matter take us into their confidence, so that we can hear what is being said?

The SPEAKER. Gentlemen will address the Chair.

Mr. BARTHOLDT. Mr. Speaker, I want to say, furthermore, that these men are subject to martial law, although they are civilian employees of the Government.

Mr. HULL of Iowa. They are to-day.

Mr. BARTHOLDT. They are subject to martial law, and the Attorney General of the United States has decided that they are to-day a part and parcel of the military establishment of the Government.

Mr. HULL of Iowa. Yes.

Mr. HILL. Suppose one of them wishes to withdraw from the service, can he be prevented under the law?

Mr. BARTHOLDT. If this is done for the paymasters' clerks in the Navy, why should it not also be done for the paymasters' clerks in the Army?

Mr. HILL. Why don't you do it for the tellers and clerks in the various subtreasuries of the United States?

Mr. HULL of Iowa. Mr. Speaker, this provision is not as broad as gentlemen seem to think. It reads:

Provided further, That each paymaster's assistant shall furnish a bond for the faithful performance of his duties, in such sum as may be fixed by the Secretary of War.

Mr. HILL. To whom does the bond run?

Mr. HULL of Iowa. To the Government.

Mr. HILL. The paymaster can demand that the bond run to him now.

Mr. HULL of Iowa. I yield to the gentleman from Michigan [Mr. YOUNG].

Mr. YOUNG of Michigan. I wish merely to suggest to my friend from Connecticut [Mr. HILL] that there is nothing in this provision which relieves the paymaster from any of the responsibility that he now has. This is merely an added security.

Mr. HILL. Why does it not relieve him from responsibility if the clerk is bonded to the Government?

Mr. YOUNG of Michigan. Because that is not the law.

Mr. FITZGERALD. That is the effect of this provision.

Mr. YOUNG of Michigan. Not at all.

Mr. HILL. It was precisely for that reason that the Treasury Department refused to consent to a change in the status of deputy collectors of internal revenue.

Mr. YOUNG of Michigan. I do not know what the nature of that statute was. There is nothing here that relieves the paymaster in the least. He still remains responsible for the acts of the paymaster's clerk under his orders. The Government has the added security. There is no question about it, and every man who has studied the statute knows it.

Mr. HULL of Iowa. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 28 minutes.

Mr. HULL of Iowa. I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the gentleman from New York, who thinks clearly and speaks plainly, called attention to the fact that this is a civil pension provision. It undertakes to give military rank with retired-pay privileges to the clerks connected with the Army whose duty now is the rather simple one of paying the troops. It calls for the exercise of no high order of business ability to calculate the amount of pay under the law due to each man, and no great business acumen is essential in the disbursement of the money. An ordinary man who knows how to solve the simplest problems in mathematics can make a perfectly satisfactory paymaster's clerk. This is merely an additional step in the program of pensioning the civil employees of the Government.

The gentleman from Illinois called attention the other day to the fact that there was a tremendous pressure on Congress to provide a general pension act for all civil employees that is pressing with ever greater and greater force, and finally, as he predicted, Congress will yield and grant the pensions. And when the day does come, Mr. Speaker, and we have added and superadded to the retire pay of the officers and employees of the Army a civil employees' pension list, the amount that the people will be called upon to pay and to contribute each year will make a staggering total.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. SLAYDEN. Not now; I have only five minutes. If the gentleman will get my time extended I will yield.

Objection has been made to the existing plan because they say it is impossible to keep young men in the service. Now, Mr. Speaker, I see no great harm to come from the fact that we can not keep them in the service.

As I indicated, it takes no high ability to discharge the duties of a paymaster's clerk, and it is better to give these young men, who can make a bond or guarantee their integrity in some way, an opportunity for a few years and let them pass out into the great body of the people and depend upon the exercise of their energy and ability to support themselves afterwards. Under the terms of this bill you put a barrier just above their heads. The bill says: "You may become a second lieutenant, and you shall have the rank and pay of a second lieutenant, but beyond that you shall not go." Really high-class young men are not willing to consign themselves perpetually to a position that offers no better outlook than that. Everybody who is familiar with the processes of legislation knows that sooner or later they will be given not only the rank and pay of a second lieutenant, but they will be here asking and demanding the allowances that go with an officer of that rank. They will also demand the right of promotion, and they will get it. We have in this bill an instance of that kind, a proposition to put into the Army a dental corps, providing for the military rank of these gentlemen up to, I believe, the rank of major. It is only a few years ago, as older Members will remember, when our lamented friend, Peter Otey, of Virginia, brought forward a proposition to establish a dental corps in the Army, accompanying it with the declaration that the employment of a few dentists under contract would be all that would be required. Now, we have a proposition pending here in the shape of legislation that has already passed one body to provide a dental corps, with the rank ultimately of major. It is only an illustration of how these things may grow, and will grow.

It has been suggested that a paymaster's clerk undergoes some hazard in his vocation. I have been familiar nearly all

my life with paymasters' clerks and the work that they do. I knew them on the frontier, when they drove from one military post to another, and when, perhaps, there was some hazard connected with their business. There were Indians to be dodged; there were highwaymen that might intercept them and take their lives if they sought to defend the treasure that had been committed to their charge; but who can say now, when a large part of the payments are made by checks, and all within the pale of civilization, that they have such hazards as the early paymasters' clerks did?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Speaker, I would like to have two minutes more.

Mr. HULL of Iowa. I yield two minutes more to the gentleman from Texas.

Mr. BARTHOLDT. Will the gentleman yield now?

Mr. SLAYDEN. Mr. Speaker, the gentleman has just yielded me two minutes more. The chairman of the committee, the gentleman from Iowa [Mr. HULL], and other gentleman have referred to the fact that these troubles and the necessity for this legislation largely come from the detail system that we adopted I believe in 1901. I voted against the detail system at the time, and the argument advanced—

Mr. HULL of Iowa. Mr. Speaker, I rather think that it was in 1904 that we adopted that.

Mr. SLAYDEN. I was opposed to it then and I am opposed to it now. The idea of detailing officers of the Army to do this sort of clerical work, this disbursing of funds once a month to soldiers, based on a simple calculation, is, in my judgment, rank nonsense. We had better have had expert accountants detailed to that work rather than military men.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SLAYDEN. I yield to the gentleman.

Mr. BARTHOLDT. The expert accountants are the gentlemen whose services we are trying to secure by this amendment. Mr. SLAYDEN. I would say just moderately expert, then.

Mr. BARTHOLDT. Inasmuch as the clerks do practically all of the work, inasmuch as these detail officers know nothing at all about accounting duties and financial affairs, so that all of the work devolves on the clerk, would the gentleman not be in favor rather of abolishing the paymasters?

Mr. SLAYDEN. No; I am in favor of abolishing the detail system and returning to the old one, which worked so well.

Mr. STAFFORD. Mr. Speaker, to show the trend of placing men on the retired list, I wish to ask the gentleman whether horse doctors have not been placed in that category.

Mr. SLAYDEN. The bill speaks for itself.

The SPEAKER pro tempore (Mr. CURRIER). The question is on reading and concurring in the Senate amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 54, noes 52.

Mr. COX of Indiana. Mr. Speaker, I make the point that there is no quorum present. [Cries of "No!" "No!"]

The SPEAKER pro tempore. The gentleman from Indiana makes the point that there is no quorum present. The Chair will count.

Mr. COX of Indiana. Mr. Speaker, I will withdraw the point of no quorum, but I demand tellers.

Tellers were ordered.

The gentleman from Iowa [Mr. HULL] and the gentleman from Indiana [Mr. Cox] were appointed to take their places as tellers.

The House again divided; and the tellers reported—ayes 59, noes 60.

So the motion to recede and concur was disagreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House do further insist on the disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 23, page 21, after line 7, insert: "The President is hereby authorized to appoint the Army paymasters' clerks now in service to be paymasters' assistants in the Army, and hereafter no person shall be appointed an Army paymaster's clerk, but any vacancy occurring in the list of paymasters' assistants whose appointment is hereby authorized shall be filled by the appointment, by the President, of a citizen of the United States who shall be between 21 and 28 years of age at the date of his appointment and who shall have passed a satisfactory examination, under such regulations as may be established by the President, as to habits, moral character, mental and physical ability, education, and general fitness for the service: *Provided*, That paymasters' assistants appointed under the authority hereby given shall have the pay and allowances of second lieutenants, except commutation of quarters, fuel, and lights, and shall be on the same footing as commissioned officers of the Army as to tenure of office, retirement, pensions, increase of pay, and subjection to the rules and articles of war: *Provided further*, That pay-

masters' clerks who are now in service and who may be appointed paymasters' assistants under the authority hereby given may, after becoming 64 years of age and upon the recommendation of the Paymaster General of the Army and a medical board approved by the Secretary of War, be retained in active service until they shall have reached the age of 70 years: *Provided further*, That each paymaster's assistant shall furnish a bond for the faithful performance of his duties in such sum as may be fixed by the Secretary of War."

Mr. HULL of Iowa. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk and ask to have read.

Mr. HAY. Mr. Speaker, I desire also to make a motion to recede and concur with an amendment to the amendment offered by the gentleman from Iowa, which amendment I send to the Clerk's desk and ask to have read.

Mr. MANN. Let the amendment offered by the gentleman from Iowa be stated first.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amend the amendment, in line 7 of the amendment, by striking out the words "division brigade."

Mr. FITZGERALD. That is in line 22 of page 23 of the bill that most of us have.

The Clerk read as follows:

On the next page, line 7, strike out the word "six" and insert the word "four," and in line 8 strike out the words "and twelve," so that it will read "four hundred."

On the next page strike out in the proviso the words "30 of the additional officers herein provided for shall be detailed to service in," and strike out the word "which" after the word "department" in line 5.

Mr. COX of Indiana. Mr. Speaker, now let us have the whole amendment reported, showing how it would be.

The Clerk read as follows:

So that the paragraph will read as follows:

"Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each State, Territory, and the District of Columbia; not to exceed one additional officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 400: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901."

Mr. FITZGERALD. Mr. Speaker, I wish to make a point of order against the amendment proposed by the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from New York makes the point of order.

Mr. FITZGERALD. In that the latter amendment is not germane to this amendment. The Senate amendment provides for a detail of certain officers to the militia and a number of them to the Quartermaster's Department. The effect of the amendment proposed by the gentleman from Iowa is to increase, that is, the latter part of his amendment, the officers of the Quartermaster's Department irrespective of the detail provided for in the Senate amendment. It is an entirely different subject matter.

The SPEAKER pro tempore. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL of Iowa. Mr. Speaker, I assume the point of order would hardly lie to any proposition that comes over from the Senate.

Mr. FITZGERALD. It will; the gentleman is very much mistaken. The amendment must be germane.

Mr. HULL of Iowa. The House must either accept or reject it. The point of order lies to the provision of the Senate, not to the amendment which I have offered, because this is a change of the Senate amendment. This whole provision would have been subject to the point of order on the appropriation bill if offered in the House, but the Committee on Military

Affairs reported a separate bill on this subject, virtually on the lines of what the Senate has done, except as to the number of officers, the limitation of detail, and as to retired officers to be occupied in certain lines. The appropriation bill as it passed the House had nothing upon that subject upon it. It went to the Senate and was placed there by the Senate, and the rules of the House have no limitation whatever.

Mr. FITZGERALD. But, Mr. Speaker, the gentleman is entirely mistaken. The Senate puts upon this bill a provision providing for a detail of Army officers for service with the Organized Militia, and it provides the number that may be detailed for that purpose and also provides that 30 of them shall be detailed for service in the Quartermaster's Department. The effect of the amendment proposed by the gentleman from Iowa is not to effect the details, but makes a direct increase in the Quartermaster's Department.

Mr. HULL of Iowa. It is a little more than that.

Mr. FITZGERALD. It is not germane; it is an entirely different question, and the amendment proposed by the gentleman must be germane.

Mr. HULL of Iowa. The gentleman seems to limit this entirely to the increase of officers for the service of the militia.

Mr. FITZGERALD. No; I do not.

Mr. HULL of Iowa. The amendment of the Senate goes further than that. After providing what is given to the militia it goes further and says "together with those detached from their proper command, under the provisions of law, to other duty the usual period of which exceeds one year." Now, this is to fill in those places so far as this increase can fill them. The gentleman is absolutely correct in one of his statements that I am willing to concede if the point of order is overruled.

Mr. FITZGERALD. Whether it is conceded if the point of order is overruled or not, it is a fact.

Mr. HULL of Iowa. I am willing to concede the effect of the amendment, and I want to say to the gentleman if the gentleman believes in a permanent—

Mr. FITZGERALD. I am opposed to the whole proposition, and I hope the point of order will be sustained.

Mr. HULL of Iowa. I do not think it will be.

The SPEAKER pro tempore. Does the gentleman desire to be heard further?

Mr. HULL of Iowa. I would like the Chair to consider this one question: The increase is provided for out of the number that has been provided in increased officers as the bill passed the Senate. In other words, 30 of these officers herein provided for shall be detailed for service in the Quartermaster's Department, which is hereby increased. Now, is it not in order when the absolute increase is provided for in this out of the increase in another part of the bill? If that is true, how can the Chair hold that the mere changing or the filling of that detail is subject to a point of order? I would like to have the Chair examine that point. The total number of officers provided for in the Senate is 612. My amendment provides for a much smaller number.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Iowa, now, that this amendment does not in any way increase the force already appropriated for in the bill?

Mr. HULL of Iowa. No; the force will be much below that appropriated for by the Senate, with the amendment that I have offered.

The SPEAKER pro tempore. Does the gentleman say that no increase is contemplated by the amendment?

Mr. HULL of Iowa. It is an absolute decrease by my amendment.

Mr. FITZGERALD. There is no increase provided, so far as I can find, in the Quartermaster's Department. This provides for details of officers of the line, not of the Quartermaster's Department. And the Organized Militia proviso provides that 30 officers of the line—

Mr. HULL of Iowa. Before the gentleman proceeds further, I would like to call his attention, so that he may answer while he is talking, to the last words of this amendment of the Senate. It tells how they shall be filled and detailed in accordance with section 26 of the act approved February 2, 1901, which means that they are to be detailed from officers of the line, and the officer so detailed shall have his place filled by an extra officer.

Mr. FITZGERALD. I am not familiar with that provision, whatever it may be. The gentleman may be familiar with it, though he has not stated. He does not convey any information by referring to the provision to which he has referred. My understanding is that this provides for a detail of certain officers to the Organized Militia, and the proviso requires that 30 of those officers shall be detailed to the Quartermaster's

Department of the Army. Now, the effect of the amendment of the gentleman from Iowa is to remove the retirement of detailed officers to the Quartermaster's Department of the Army and increase the force. I insist it is not germane to the provision under discussion.

Mr. SULZER. Of course the gentleman understands that that proviso was put on in the Senate?

Mr. FITZGERALD. It makes no difference where it was put on. What is the subject matter of the Senate amendment? It is the detail of a certain number of officers to the Organized Militia, and 30 of the number authorized to be detailed must be detailed to the Quartermaster's Department. The effect of the gentleman's amendment is to eliminate the requirement for detail to the Quartermaster's Department and compel the increase of the present force or the number of officers in the Quartermaster's Department—an entirely different subject from that contemplated by the Senate amendment.

Mr. HULL of Iowa. Mr. Speaker, one word more. The amendment I have offered makes the bill harmonious. It makes it so that there is no difference of opinion as to what it really means. The Senate amendment fixes the Quartermaster's Department how? It says:

Which is hereby increased by two colonels, three lieutenant colonels, seven majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901.

Now, Mr. Speaker, I will admit my amendment would be subject to a point of order if the amendment left the number of officers fixed by the Senate at 612, because we would have then exceeded the number fixed by either House. But my amendment, if it shall carry, still leaves this House something like 182 members below what is fixed by the Senate, and therefore it is not exceeding the number fixed by either House, but is 182 less.

Mr. FITZGERALD. Mr. Speaker, there can be no question as to these facts: This bill provides for the detail of certain line officers to the Organized Militia, and also provides that of the number which may be so detailed 30 of them must be detailed to the Quartermaster's Department.

Mr. HULL of Iowa. The gentleman has not read the amendment.

Mr. FITZGERALD. I have read the amendment.

Mr. HULL of Iowa. Together with those detailed from their proper commands under the provisions of law for other duty, the usual period of which exceeds one year. That applies to every branch of the Army where detail is made. That is in addition to the militia. The gentleman reads this provision as though all these officers were intended simply for service with the militia. They are not.

Mr. FITZGERALD. No; I do not do anything of the kind. The effect of the gentleman's amendment is to increase the number of officers in the Quartermaster's Department.

Mr. HULL of Iowa. Not a bit. It leaves that exactly as it is fixed by the Senate.

Mr. FITZGERALD. The gentleman is mistaken about that.

Mr. HULL of Iowa. No; I am not.

Mr. FITZGERALD. I insist that the gentleman is mistaken, because the Senate amendment provides that of the additional officers herein provided 30 shall be detailed to service in the Quartermaster's Department. The gentleman's amendment, instead of providing for the detail of these officers, provides for an increase of the officers in the Quartermaster's Department.

Mr. HULL of Iowa. If you leave the number at 612, nobody would care a cent about this amendment.

Mr. FITZGERALD. I am not so sure that they would.

Mr. MANN. Mr. Speaker, I understand a point of order is still pending.

The SPEAKER pro tempore. Yes.

Mr. MANN. It does not seem to me, Mr. Speaker, that the amendment is subject to a point of order. Now, what is the proposition? It is this: That the total number of detached officers subject to these provisions shall not exceed 612. Thirty of these officers may be detailed to service in the Quartermaster's Department. The detail does not mean that they do not continue during life to hold the office. Now, the proposition of the gentleman from Iowa [Mr. HULL] to reduce the number from 612 to 400 in that one part of the amendment and to provide directly 30 officers in the Quartermaster's Department, whether you call it a detail or not, does not make any difference; but his proposition is to decrease the number from 612 to 430. If the detail question were simply a matter of sending some one from another department for temporary service in the War Department, there might not be any question, but these officers are permanent officers of the Army—whether serving in the Paymaster's Department or the Quartermaster's

Department or elsewhere makes no difference—and it seems to me that the Members of the House ought to have the opportunity, the two questions being correlated, of voting whether they will make the additional officers 612 or 430.

In no other way can the question be presented unless by a proposition simply to reduce the number from 612 to 430 in that place, as to which, I suppose, if it were within his power the gentleman from Iowa would offer that amendment. But it being a Senate amendment, certainly the House has the power under the rules to say whether it prefers, when it creates new officers, that they shall be detailed to the Quartermaster's Office or shall be in the Quartermaster's Office as additional officers.

Mr. FITZGERALD. That is an entirely different subject. That is a matter of detail, and that is what the Senate amendment provides for. The gentleman is attempting to make a permanent increase, and it is not germane to the Senate amendment.

Mr. MANN. The gentleman from New York will pardon me if I say it is germane to the Senate amendment, whether it is a detail or a permanent appointment.

Mr. FITZGERALD. No; it is not. The Senate amendment would continue the detail system.

Mr. MANN. Very well. What difference does that make? If this goes through, the additional officers will be in the Army. The number will be there. We have the power, when we create additional officers in the Army, to say whether they shall be detailed temporarily to a department or be permanently attached to a department. Certainly it can not be held that when we have the power to say how many officers we shall create we have not the power to prescribe what the officers shall do when they are appointed.

The SPEAKER pro tempore. The Chair, answering the question of the gentleman from New York, would say that the Senate amendment as proposed, to which no point of order is made, increases the Quartermaster's Department by two colonels, three lieutenant colonels, seven majors, and 18 captains. Is the effect of the amendment offered by the gentleman from Iowa [Mr. HULL] to make any further increase than that provided in the text of the Senate amendment?

Mr. HAY. Mr. Speaker, the effect of the amendment of the gentleman from Iowa [Mr. HULL]—

Mr. ANTHONY. It makes no difference in the Quartermaster's Department—

Mr. HAY (continuing). The effect of the amendment of the gentleman from Iowa is not to increase the number of officers provided for in the Senate bill, because the Senate bill provides for 612 officers, and the gentleman's amendment, as I understand it, provides altogether for 430; 400 in the main body of the amendment and 30 for the Quartermaster's Department.

Mr. HULL of Iowa. That is correct.

Mr. HAY. That is the effect of the amendment of the gentleman from Iowa; but it seems to me it is subject to the point of order, because the gentleman's amendment provides, not that the additional men provided for in the Quartermaster's Department shall be taken from the 400, but that they shall become a part of the Quartermaster's Department. In other words, he is undertaking to legislate not only for the line, but for a staff corps in the War Department.

Mr. MANN. We have the power to legislate, have we not?

Mr. HAY. You have the power to legislate, but not in this way.

Mr. MANN. Why not?

Mr. FITZGERALD. The Senate amendment provides that it shall be increased by detail.

The SPEAKER pro tempore. It does not seem to the Chair that the Senate amendment does necessarily provide for the increase by detail. The text of the Senate amendment is that the Quartermaster's Department—

is hereby increased by two colonels, etc.

Mr. FITZGERALD. But the Chair must read that in connection with the previous portion of the amendment, which is:

That 30 of the additional officers herein provided for shall be detailed to service in the Quartermaster's Department.

Then it enumerates the rank, namely, the rank of the 30 officers. Striking out the provision for the detail will make a specific increase in that corps without detail.

Mr. HULL of Iowa. Read the balance of it, where it refers to—

The act approved February 2, 1901.

The SPEAKER pro tempore. It is provided for in the text of the Senate amendment.

Mr. FITZGERALD. The Chair is mistaken. It is provided for by detail, while the effect of the Senate amendment is to

eliminate the detail and provide that permanent addition to the corps.

Mr. PRINCE. Mr. Speaker, the Senate bill provides for 612 officers, of whom 30 additional officers shall be detailed to service in the Quartermaster's Department. The chairman of the committee offers an amendment striking out 612 and reducing it to 400. He strikes out the words:

Thirty of the additional officers herein provided for shall be detailed to service.

So that it would read:

Provided, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901.

Which is the act detailing officers to the staff department.

It seems to me that the amendment is germane, that it is in order, that it does not increase the number, but that the House is confronted with this proposition: Do you want the Senate bill, calling for 612 officers, 30 of whom shall go to the Quartermaster's Department, or do you want the proposition of the chairman of the committee for 400 officers and an additional 30 going to the Quartermaster's Department, reducing the number as provided for by the Senate bill 182?

The SPEAKER pro tempore. The Chair finds it somewhat difficult to get a correct idea of just what the law is in regard to this matter and to determine the question of fact here. The Chair is not free from doubt; but the Chair being in doubt, believes that the committee ought to have an opportunity to vote on this matter, and the Chair overrules the point of order.

Now, the gentleman from Virginia [Mr. HAY] has given notice that he desires also to move to recede and concur with an amendment. Two gentlemen desire that privilege. Should the House agree to the motion of the gentleman from Iowa [Mr. HULL], it would absolutely preclude the motion of the gentleman from Virginia.

Mr. FITZGERALD. Not necessarily.

The SPEAKER pro tempore. The Chair suggests that the gentleman now move to recede and leave this matter open to amendment, so that the gentleman from Iowa and the gentleman from Virginia may both have a fair opportunity to offer their propositions.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Under the motion to recede and concur with an amendment, is the motion offered by the gentleman from Iowa subject to amendment?

The SPEAKER pro tempore. The Chair would think that it was, if it was an amendment to the amendment.

Mr. MANN. I understand that the gentleman from Virginia has an amendment to the amendment offered by the gentleman from Iowa.

Mr. HAY. As I understand, the motion of the gentleman from Iowa was to recede and concur with an amendment, and that that can be divided.

The SPEAKER pro tempore. Yes.

Mr. HAY. If it is divided, the first question is on the motion to recede.

The SPEAKER pro tempore. The gentleman is correct.

Mr. HAY. And then I can offer an amendment?

The SPEAKER pro tempore. The gentleman can offer an amendment.

Mr. HAY. Then, Mr. Speaker, I ask for a division of the question, and offer the amendment that I send to the desk.

Mr. HULL of Iowa. But we have not yet voted to recede.

Mr. MANN. The motion of the gentleman from Iowa is subject to amendment.

The SPEAKER pro tempore. The gentleman is correct. The gentleman from Virginia demands a division of the question, and the first question will be, Will the House recede? And if the House votes to recede, then the Senate amendment is open for amendment.

Mr. MOON of Tennessee. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOON of Tennessee. I want to know if it is in order to offer a substitute.

The SPEAKER pro tempore. It is not now in order. The gentleman from Virginia asked for a division of the question, and the first question is, Will the House recede?

Mr. FITZGERALD. Mr. Speaker, the House is not unanimously in favor of receding, and we want to discuss that question.

The SPEAKER pro tempore. The Chair will leave it to gentlemen to debate the question.

Mr. HAY. Mr. Speaker, I withdraw the request for a division, and will offer the following amendment to the amendment

offered by the gentleman from Iowa, and pending that I will ask the gentleman from Iowa to divide the time with me.

Mr. PRINCE. Can we not have the amendment read for the information of the House?

Mr. MANN. What is the gentleman's amendment?

Mr. HAY. My amendment is a bill reported by the Committee on Military Affairs.

Mr. HULL of Iowa. I will say to the gentleman from Virginia that there is no time agreed on, but I will keep control of the time and yield to the gentleman. How much time does he want?

Mr. HAY. I should think half an hour on a side would be sufficient.

Mr. HULL of Iowa. We shall never get through with the bill at that rate.

The SPEAKER pro tempore. The Chair will ask the gentleman from Virginia if it is his purpose to offer a substitute for the entire Senate amendment.

Mr. HAY. Yes.

The SPEAKER pro tempore. A vote can not be taken on that question until the amendment of the gentleman from Iowa is disposed of.

Mr. HAY. I understand that the gentleman from Iowa can perfect his amendment, and after it is perfected then I can offer mine as a substitute.

The SPEAKER pro tempore. The Chair thinks that after this amendment is perfected and concurred in it will be too late for the gentleman from Virginia to offer a substitute.

Mr. MANN. Mr. Speaker, I understood that the amendment that the gentleman from Virginia desired to offer was an amendment to the amendment offered by the gentleman from Iowa and was merely to change a few words. In view of the fact that the gentleman's amendment is a substitute, I think he has a right to ask that the House recede.

Mr. HAY. That was my idea, but I did not want to put the House in the attitude of receding and concurring in the Senate amendment.

The SPEAKER pro tempore. The Chair will say to the gentleman from Virginia that should the House vote to perfect the Senate amendment as suggested by the amendment offered by the gentleman from Iowa, it would then be too late for the gentleman from Virginia to offer his amendment as a substitute. The gentleman from Virginia can now ask for a division of the question.

Mr. HAY. Mr. Speaker, I will ask to have the amendment read for information.

The SPEAKER pro tempore. The amendment will be read for information.

The Clerk read as follows:

Page 21, after line 7, insert:

"That upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions of this act, together with those detached from their proper commands, under the provisions of law, for other duty, the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the Staff Corps, but the total number of detached officers made subject to the provisions of this section by this act shall not exceed 200: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant and captain, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the line of the Army: *Provided*, That 30 of the additional officers herein provided for shall be detailed to service in the Quartermaster's Department.

"Sec. 2. That the vacancies caused or created by this act in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years.

"Sec. 3. That hereafter any officer on the retired list of the Army may be assigned by the Secretary of War to active duty in recruiting, for service in connection with the Organized Militia in the several States and Territories upon the request of the governor thereof for an officer of the Army, as military attaché, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with troops, or any other duty not involving service with troops; and any officer on the retired list of the Army upon his refusal to perform the duties imposed upon him by the provisions of this act shall be mustered out of the Army. And such officers while so assigned shall receive the full pay and allowances of their respective grades.

"Sec. 4. That hereafter there shall be no detail of any officer from the active list of the line or staff of the Army for any purpose except directly connected with the Military Establishment, including service in the bureaus of the War Department, at departmental headquarters, with the Quartermaster's and Commissary Departments, and Signal Corps, assistants to Chief of Coast Artillery, United States Military

Academy, Army service and technical schools in the United States and in Europe recruiting service, military attachés, with the Philippine Scouts, with the Philippine civil government (not exceeding six), with the Cuban Government (not exceeding three), engineer, ordnance, and medical officers with Isthmian Canal Commission, and officers to be in charge of the quartermaster's and commissary departments with the Isthmian Canal Commission, with military prisons (not exceeding six), engineer officer Commission District of Columbia (not exceeding one), officer Public Buildings and Grounds (not exceeding one), member Ordnance Board, and on such special boards and duty connected with the Military Establishment as may from time to time be designated by the Secretary of War, with Indian prisoners (one), with State educational institutions and schools receiving aid from the United States (not exceeding one officer for each State and Territory). This section shall not apply to the improvement of rivers and harbors or other public work authorized by law.

"Sec. 5. That the President is authorized to make rules and regulations to carry the provisions of this act into effect."

Mr. HULL of Iowa. Mr. Speaker, I raise the point of order on that, if it is offered at this time.

The SPEAKER pro tempore. It is not offered. It is read for information only.

Mr. HAY. Mr. Speaker, I move to amend the amendment of the gentleman from Iowa by striking out "four" and inserting "two," so that it will read, "not to exceed \$200."

The SPEAKER pro tempore. The gentleman from Virginia offers an amendment to the amendment proposed by the gentleman from Iowa, which the Clerk will report.

The Clerk read as follows:

Strike out "four" and insert "two," so as to read, "not to exceed two hundred."

Mr. HAY. And I offer another amendment, Mr. Speaker, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the word "colonel" and insert "captain," so as to read, "they shall be of the grades of first lieutenant to captain, inclusive."

The SPEAKER pro tempore. The gentleman from Virginia in offering the second proposition is not offering an amendment to the amendment, but an amendment to the text of the Senate amendment, which is not in order now.

Mr. HULL of Iowa. I make no motion on that part of the bill at all.

The SPEAKER pro tempore. The Chair so understood.

Mr. HAY. Mr. Speaker, I understood the gentleman to offer an amendment respecting the entire amendment.

Mr. HULL of Iowa. I offered an amendment, "so that it would read as follows," and they read it from the Clerk's desk.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Virginia to the amendment offered by the gentleman from Iowa.

Mr. HULL of Iowa. Does any gentleman desire to discuss this?

Mr. HAY. Yes; I do. There are some gentlemen on this side of the House who want to speak.

Mr. HULL of Iowa. I will try to yield to gentlemen fairly. I want to yield to some gentleman on that side of the House in opposition to the gentleman from Virginia. How much time does the gentleman want?

Mr. HAY. I want half an hour.

Mr. HULL of Iowa. I can not yield half an hour unless the House votes me down, because we will never get through at that rate.

Mr. HAY. I do not know why. There is only one other amendment in dispute.

Mr. HULL of Iowa. I will yield half the time, and if we get through before the hour is up we better quit. I understand the gentleman from Texas wants to make a speech of 10 or 15 minutes in opposition to something that appears in the Army and Navy Journal. We ought to go on with this.

Mr. SLAYDEN. The gentleman does not state my proposition correctly.

Mr. HAY. I yield to the gentleman from Texas. I understand that the gentleman from Iowa controls the time.

Mr. FITZGERALD. He has the floor for an hour.

The SPEAKER pro tempore. Yes.

Mr. HAY. I will say to the gentleman from Iowa, Mr. Speaker, that he will save time by yielding me 30 minutes on this proposition. There is no quorum here—

Mr. HULL of Iowa. I do not care if the gentleman raises the point of no quorum. That is his privilege.

Mr. HAY. Very well; I will say to the gentleman that he will save time—

Mr. HULL of Iowa. And suppose some other gentleman may say, when this time is up, that if some other gentleman does not have an hour that he will raise the point of no quorum.

Mr. HAY. Not at all. I am simply asking for a division of the time on this proposition.

Mr. HULL of Iowa. And I say to the gentleman if the debate runs an hour he will get his full half.

Mr. HAY. It is a proposition increasing the Army and the expenses of the Government about \$2,000,000 a year, and it never has been discussed on this floor. It is a Senate amendment put on this bill, and Members of the House have not had an opportunity to discuss it.

Mr. HULL of Iowa. How much time have I, Mr. Speaker? The SPEAKER pro tempore. The gentleman has an hour.

Mr. HULL of Iowa. At the suggestion of the gentleman, I yield to the gentleman.

Mr. HAY. And I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER pro tempore. May the Chair understand what arrangement has been made as to time?

Mr. HAY. I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, since the beginning of my service in this House, 14 years ago, I have seen the Army of the United States grow from about 25,000 men, with an annual appropriation of about \$25,000,000, to a possible maximum of 100,000 men, with about 80,000 actually in the service, costing approximately \$100,000,000 a year.

If I know myself, Mr. Speaker, I have devoted myself to the work of the committee upon which I have had the honor of serving with an eye single to the interest of the country. I have tried to discharge my duty to all the people of all the country. I have been ready at any time to vote for any reasonable increase of the Army and of the Navy, and I am ready today to do everything that is necessary to defend the integrity of the soil or the honor of the country in any way. I am not even, Mr. Speaker, one of those people who believe that the Army should be materially reduced. I am not entirely convinced in my own mind that it would not be wise to maintain the Army now at the legal maximum, at the number authorized by law, and which the President, by simple Executive order, can establish at any time.

Mr. KITCHIN. What is that number?

Mr. SLAYDEN. One hundred thousand. But, Mr. Speaker, I claim the right to vote my judgment and to vote it uninfluenced and without the interference of an improper pressure from outside this Hall. I am willing to abandon any position I may occupy with reference to this or any other question when any gentleman can convince me I am wrong. I have here a paper that the chairman alluded to awhile ago—the Army and Navy Journal of March 11—that contains an editorial with reference to the pending legislation and in which the editor of that paper, or some contributor from the city of Washington, does me the honor of referring to my position upon this question and that of my colleague from Virginia [Mr. HAY]. I am going to trespass upon the attention of the House for a moment or two by reading a paragraph here and there out of that editorial. It says first:

More good legislation for the Army than has been considered in Congress in recent years was attached to the Army appropriation bill when it went into conference with the Senate.

That is a matter of opinion, Mr. Speaker.

Further along in the same editorial it says:

It is probably too much to expect that these and other legislative provisions included in the bill when it went into conference will all be agreed to by the House. It seems to be necessary for some Democrats on the House committee to play politics with the measure. Instead of allowing it to be referred to the conferees in the usual manner, Representative HAY made an objection, and insisted upon its going to the House committee before it was taken up by the conferees. Supported by Representative SLAYDEN, Mr. HAY contended that when the bill came up in the House again in the conferees' report a separate report would be given on the extra officers' provision and a number of others in dispute.

Mr. Speaker, it is true that the gentleman from Virginia and I did insist that the House should have the right to pass upon this important legislation. It is a very important matter of legislation to fix upon the people of this country an annual charge of \$2,000,000 and to increase the Army of the United States to the extent of 642 officers. I am not now discussing the question of whether it is wise to enact this legislation. I do contend, sirs, that we were doing our simple duty to the country and simply asserting our rights as Members of this House to give other Members an opportunity to pass upon these matters by asserting our rights under the rules which provide that they may be referred to the committee and thus provide an opportunity for their discussion here. To go further along in the same editorial, it says:

This will probably complicate matters; it will make it more difficult to secure effective legislation for the relief of the shortage of officers in the Army and for details as instructors for the National Guard.

If I had more time than the 10 minutes allotted to me, I would treat some phases of this statement, but in reply to this part of the editorial I can now only point out the fact that

your Committee on Military Affairs has seriously labored in the production of a bill that would offer relief where relief is really needed and at the same time provide for a reasonable limit of cost. He says:

Mr. SLAYDEN does not look with favor upon the proposition to furnish instructors from the Regular Army to the National Guard.

I pass that by, although that editor has no warrant in fact to make any such assertion. He further says:

He is also in favor of reducing the number of officers detailed at the smaller colleges.

There, Mr. Speaker, he is entirely correct. I do not believe it is the duty of the Government to provide schoolmasters in uniform for all the schools throughout the country; and I say that, sir, at the risk of inviting opposition in my own State and in my own city, but if I failed to express my opinion frankly and honestly upon that question, I would not deserve the confidence of this House and would deserve removal from the important committee to which you have assigned me.

Here again I quote:

In fact, Representatives HAY and SLAYDEN do not hesitate to say that they will do anything that they can to defeat legislation for additional officers for any purpose.

Now, what warrant they had for making that statement concerning my colleague [Mr. HAY] I do not know, but none whatever as to me, for I never made any such statement to anyone in this House or outside of this House. There is absolutely no truth in the statement.

But all of the Republican Members are on record as favoring the bill as it was reported from the House committee, and it is believed that they will support Chairman HULL in his fight for an agreement on this provision.

Mr. Speaker, I am curious to know how the record was made. I have been fairly diligent upon my attendance on the sessions of this House, but I do not remember when they have had an opportunity to pass upon that question.

How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has two minutes and a half remaining.

Mr. SLAYDEN. This is the closing paragraph of the editorial:

There are a number of provisions placed in the bill by the Senate committee in which the Members of the House are deeply interested, and these are apt to receive very rough treatment from the Senate conferees if the House acts arbitrarily in the consideration of general legislation for the Army. Among these are the remount station provision and the one for the completion of a chapel at Fort Sam Houston, Tex. The constituents of Representative HAY will be greatly affected by the remount station, which is to be located in Virginia, and Fort Sam Houston is a local industry for Representative SLAYDEN. Both of these provisions are meritorious, but the Senate leaders are determined to take care of general legislation as well as local in the bill.

Mr. Speaker, that is simply a threat that if I did not recede from the position which I have taken, and taken solely because it has the approval of my judgment and my conscience, a trifling appropriation to be expended at Fort Sam Houston is to be withdrawn. It is only a small and contemptible bit of a pressure that has been inspired from some source, I do not know where, but from some source high up in military circles, I am afraid, to compel me, and as it was, no doubt, intended to compel my colleague [Mr. HAY] to abandon a conscientious stand and one that has the approval of his judgment. I repel it, sir, as utterly futile, and I have no doubt my friend from Virginia [Mr. HAY] will remain equally uninfluenced by these efforts. [Applause.]

Mr. HAY. Mr. Speaker, it is true that I have opposed, and consistently opposed, any increase of the officers in the Army. In 1901 the Army reorganization act was passed, and the then Secretary of War and the men who were interested in the Army came before the two Houses of Congress and, when asked what they wanted, said that they were asking all that was necessary for the Army. Now, ever since that act was passed bills have been introduced, increasing first one corps and then another, until there is hardly a corps in the Army that has not been increased.

Now, we are asked to increase the line of the Army by 612 men under the guise that it is for the benefit of the militia of the National Guard of the country. Gentlemen upon this floor have been flooded with requests from the adjutant generals of States and the officers of the National Guard throughout this country to favor this legislation. For 14 years I have been a member of the Military Committee. I have been familiar with the efforts of the officers in the War Department to increase the officers in the Army. I have never heard that they have been in favor of increasing the men in the Army or increasing the Army in a way which would be to our advantage for the purpose of defending the people of this country.

This bill is inspired and backed by men who want promotion, and not because they are in favor of increasing the efficiency

of the militia of this country. [Applause.] If they do not want rank, I venture to say that the gentleman from Iowa would not accept the amendment which I suggested a moment ago, that there should be no increase in this increase above the rank of captain. Why, here is one of the arguments used for this: They say they have so many detailed that they have to take away the captains from the companies, and that that is very much against the interests of the Army; that these captains of companies ought to be kept with their companies.

They say for that reason that the Army has suffered. But I say that the great mass of details made by the War Department are not necessary. Why, take for example, Mr. Speaker, the Army War College here, and we have detailed to that college 22 student officers and 14 instructors, officers of the Army. Why is it necessary to have 14 officers instruct 22 men? I can not conceive of any necessity for such a detail as that.

Mr. HUGHES of New Jersey. Will the gentleman yield a moment?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from New Jersey?

Mr. HAY. Yes.

Mr. HUGHES of New Jersey. Does the gentleman mean to state that there is any such condition as that—that 14 officers are detailed to instruct 22 men?

Mr. HAY. Yes; certainly. I have in my hand a statement furnished to me at my request by the Adjutant General of the Army, showing the officers of the Army who are detached from their regular service and assigned to duty either as instructors or as students at school, as of date January 1, 1911; and I say that there are 22 student officers here at the Army War College and 14 instructors. There are at the Military Academy at West Point 81 officers detailed as instructors. At the Army Service School at Leavenworth, Kans., there are 67 student officers and 22 instructors. At the Fort Monroe Artillery School there are 14 instructors and 40 students; and there are at these schools altogether 179 students and 148 instructors, including the officers at West Point. [Laughter.]

Why is it necessary to have all these details? It is not necessary; and if these details were rearranged, if these details were made in accordance with what is right and with what the department ought to do, it would not be necessary to ask Congress to increase the officers of the Army by 612 men.

I admit that the gentleman from Iowa is offering an amendment which makes the increase 430, but we have got to reckon with the Senate, and if we get off with 500, should we adopt the amendment of the gentleman from Iowa, we shall be doing very well. So, Mr. Speaker, I hope this House will, by the adoption of the amendment which I have suggested, say that it is opposed to increasing the officers of the Army beyond 200. That will be ample, with the proper detail and assignment of officers, to meet the requirements of the service.

Why, under the Senate provision it is provided that an Army officer can be detailed to every governor of every State in the Union. [Laughter.] What would an Army officer do, detailed to duty with the governor of a State? Why, it would be nothing but a soft snap for him to go around in parade with the governor. [Laughter.] It is true that the gentleman from Iowa [Mr. HULL] has stricken that provision from his amendment, as I understand it, but, Mr. Speaker, I am opposed to increasing the Army by a single officer. I have therefore offered the amendment which I submitted, believing that it will be best to fight this proposition in that way rather than to run the risk of having the number increased 400, as is proposed by the gentleman from Iowa.

If I had the time, I could show this House that the details made by the War Department are not necessary and that the service will not suffer if we fail to increase these officers by the number asked for by the gentleman from Iowa.

How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 16 minutes left.

Mr. HAY. Mr. Speaker, I desire to reserve the balance of my time.

Mr. YOUNG of Michigan. Mr. Speaker, I think we ought to have a quorum on the passage of this very important measure. I make the point of no quorum.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG] makes the point of no quorum. The Chair sustains the point.

Mr. YOUNG of Michigan. Mr. Speaker, I move a call of the House.

Mr. BARNHART. I am in favor of a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman from Texas will state it.
Mr. SLAYDEN. In what form is the question presented to the House now?

The SPEAKER. It is a call of the House under what are called the old rules of the House.

Mr. SLAYDEN. We are not voting on the question?

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

| | | | |
|------------------|-----------------|----------------|---------------|
| Alexander, Mo. | Fish | Kinhead, N. J. | Reeder |
| Alexander, N. Y. | Focht | Knapp | Reid |
| Allen | Foelker | Lafean | Rhinock |
| Andrus | Fordney | Langley | Richardson |
| Ansberry | Fornes | Law | Riordan |
| Barclay | Fowler | Lindsay | Roddenberry |
| Barnard | Gardner, Mass. | Lively | Sabath |
| Bartlett, Nev. | Gardner, Mich. | Livingston | Scott |
| Bates | Garner, Pa. | Lloyd | Sharp |
| Bennett, Ky. | Gill, Md. | Lowden | Slemp |
| Bingham | Gill, Mo. | McCall | Small |
| Boutell | Glass | McCredie | Smith, Cal. |
| Broussard | Goldfogle | McDermott | Smith, Mich. |
| Burleigh | Graham, Pa. | McKinlay, Cal. | Snapp |
| Capron | Gregg | McKinley, Ill. | Sperry |
| Carlin | Hamer | McMorran | Sturgiss |
| Clark, Fla. | Hamill | Madden | Talbot |
| Conry | Hamilton | Madison | Taylor, Colo. |
| Coudrey | Hanna | Millington | Thistlewood |
| Covington | Hardwick | Moon, Pa. | Thomas, Ohio |
| Cox, Ohio | Havens | Moore, Tex. | Volstead |
| Cravens | Hayes | Moss | Wallace |
| Creager | Heald | Murdock | Wanger |
| Crow | Hinshaw | Murphy | Weeks |
| Dawson | Howard | Norris | Weisse |
| Denby | Howell, Utah | Palmer, A. M. | Wheeler |
| Dent | Hubbard, W. Va. | Palmer, H. W. | Willett |
| Dupre | Huff | Patterson | Wilson, Pa. |
| Durey | Hughes, W. Va. | Payne | Wood, N. J. |
| Edwards, Ky. | Humphrey, Wash. | Pratt | Woodyard |
| Englebright | James | Pray | Young, N. Y. |
| Fassett | Joyce | Ransdell | |

The SPEAKER. Two hundred and fifty-seven Members—a quorum—have answered to their names.

Mr. MANN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. HULL of Iowa. Mr. Speaker, if I can have the concurrence of the House, I desire that we stay here until we finish this bill to-night. It is important to do so, because other appropriation bills should have the right of way. I hope we can keep a quorum here, and I am not in favor of finishing the bill unless we have a quorum.

I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am in favor of the proposition offered by the gentleman from Iowa [Mr. HULL]. I have agreed with the gentleman from Iowa on few occasions with reference to an increase of the Army of the United States. I am opposed to increasing the general rank and file of the Regular Army. I have always believed that a well-organized State Militia, properly trained and capable of responding to the Nation's demands, is the true protection for this country. That is the position I have always stood for in this House.

For the first time since I have been a Member of Congress it is proposed to thoroughly organize the State Militia by trained officers of the United States Army, along the lines on which the Regular Army is organized, for the purpose of having the State Militia ready to respond to the country's defense if needed. There is no question that it is an economical way of maintaining our national defense. There is no commissary department to maintain with these State Militia regiments, and we do not have to pay their salaries. They are maintained by the States, and the only proposition that comes in this bill is to provide regular officers of the United States Army who shall be detailed to go to these regiments and organize them along the lines on which the Regular Army is organized, so when their country needs them they will be ready to respond.

Mr. HAY. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. HAY. Does not the gentleman from Alabama know that there are now detailed to the militia in the several States officers of the Army?

Mr. UNDERWOOD. I understand that proposition, that there are a few officers detailed from the militia here and there, but this proposes to make an organized detail, not to detail a man to a State who spends his time at the headquarters of the governor, dresses up in his uniform, and goes with the governor to visit a regiment on dress parade. As I understand this proposition, it is to detail an officer to work with the regiment of the National Guard in the State.

Mr. MORSE. Will the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. MORSE. I would like to ask if, in the gentleman's opinion, there is any connection between the increase in the size of the Army at this time, or the effort to increase it, and the remarks made a day or two ago on the floor of this House by the gentleman from Missouri [Mr. CLARK] in regard to the annexation of Canada.

Mr. UNDERWOOD. I think the gentleman is rather far-fetched in his question, and is asking one that is not at all pertinent to the matter before the House.

I regret, Mr. Speaker, at this time to vote for any proposition that puts a single dollar of burden on the Federal Treasury, because nobody knows better than I do that there will be a deficit next July. But I know this also, that we have coast defenses provided for, or quite a number, that have no regiments to maintain them. I know that the commanding general of the Coast Artillery is urging to-day that the National Guard of the United States be used as a defense for the coast defenses that we have prepared and which are unmanned, and that trained officers of the United States Army be detailed to these regiments as a fixed command to train them in the organization of the United States Army, so that these men will be useful in time of war, and just as useful, if properly trained, to defend our country as if we spent millions in increasing our Army.

Therefore, in my judgment, this proposition is on the side of economy, to increase the number of officers and detail them to the regiment, and then some day in the near future to come to the proposition to increase one corps of our Army to double the number of men that exist in it to-day. For that reason I shall vote with the gentleman from Iowa. [Applause.]

Mr. HULL of Iowa. I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I desire to call attention to the figures cited by the gentleman from Virginia [Mr. HAY], which apparently show that there are already an unusually large number of officers detailed for instruction in comparison to the students receiving instruction. Take the Army War College, and he said there were 14 instructors and 22 students, but he failed to point out that the 14 who are listed as instructors are officers of the General Staff of the Army. They work out all of the great war problems, and their work would be required if no officers were under instruction. The instruction is but a small part of their work; 14 officers is a very small number for the large amount of work done and is small in comparison with the numbers required for similar work in other armies.

Take the United States Military Academy; there are 81 officers, but no account is taken of the 500 cadets. I would like to see anyone intelligently show where this number could be cut down and have full efficiency. The gentleman seems to overlook the fact that this is an important Army post, with over 700 enlisted men and a village of 2,000 souls, all requiring officers listed in the 81.

Take the post at Fort Leavenworth and the one at Fort Monroe. The same thing applies—the officers listed as instructors include all those assigned to the garrisons with their commands. Take the item giving the number of instructors for civil assignments. It fails to give the number of those instructed. The number would be very large for each officer, probably 500 or 600.

Furthermore, when an officer is assigned to give instruction to a whole regiment or a brigade or a division, as provided in the bill, the number instructed would become vastly greater. The gentleman from Virginia gave an altogether erroneous idea on this subject, and his figures are wholly misleading, omitting them when the numbers of instructors are large and counting as instructors those engaged in other duty.

Mr. HAY. Will the gentleman yield?

Mr. HOBSON. I can not yield now; I have only five minutes. Mr. Chairman, the Army of the United States to-day is in a most deplorable condition. There is a serious lack of efficiency for the reason of a serious deficiency of officers in every branch. I do not care which branch you take, if you take the pains to look into the details you will find that second lieutenants are at times in command of companies. You will find that many of the units do not have one-half or one-third of the required number of officers to make them efficient.

It is the worst economy on earth to sacrifice in the number of officers—those who command and those who instruct. Such economy sacrifices efficiency. We have but a small Regular Army; it is vitally important that it should be efficient. It is not a question of the efficiency of the Regular Army alone that we are now concerned with, but a question of the efficiency of the National Guard as well. Our Nation must look in time of war to its citizen soldiery for defense, not to its small Regular Army. This is thoroughly democratic. It is the

foundation of democratic institutions. If we wish to have an efficient National Guard we must not depend upon the imperfect instruction they get to-day. It is the greatest need they have, and since the Dick bill began to start them on the road to improved efficiency, the one great need now is to find sufficient officers for scientific instruction. How can they know who have not been taught? How can they know what the Regular Army does if you leave only the State officers in charge?

If we do not establish an efficient National Guard and a calamity overtakes this Nation, the outcome will be a great standing army, and that great standing army will menace the institutions we cherish, produce centralization of government, and ultimately put in danger our liberties. To promote the permanent efficiency of the National Guard we can not put out money to better advantage than by getting well-trained officers who can give the necessary instructions. It is sound democracy; it is sound economy. In the face of a matter of so great national importance I hope my colleagues on this side will not misunderstand the question and imagine that it means to increase the Army. It does not. It means to increase the efficiency of the Army. It means to increase the efficiency of the National Guard, and it means really to save in the end in economy and in the size of the military establishment.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. HUGHES of New Jersey. Does the gentleman think that the way to keep from having a standing Army is to increase the number of officers?

Mr. HOBSON. I do; enough officers so that you can have an efficient National Guard which, when put to the test of war, will actually give a good accounting of itself. We do not legislate here for one year or two years; we are legislating for a policy, and I hope my colleagues on this side will look to the question of national defense from the standpoint of a permanent policy. If the National Guard in time of war proves because of its inefficiency a delusion and a snare for national defense, when we come out of such a disastrous war we will proceed to put the Nation on the basis of a great standing army and incur the expense and danger of militarism. [Applause.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, I am somewhat doubtful how much of the time of the gentleman from Virginia I should use, because I am going to vote for 400, if I am obliged to, as an increase in the number he proposes. I think the House should understand one or two things. First, an increase of officers is necessary, if it can be had in the proper way. The Senate passed a bill providing for an increase of 612 officers in the Army.

The House Committee on Military Affairs considered that bill, reduced the number to 400, the same as the amendment offered by the chairman of the Committee on Military Affairs, but affixed to that number of 400 two very important conditions—first, that there should be a restriction of the service to which these officers can be detailed or detached; and, secondly, that retired officers should be used, as far as they possibly can be, to perform the service now done by regular officers. The last report of the Secretary of War shows that there are 728 officers detached from their troops and performing other service, military or civil. I have no doubt at all that that number can be reduced to 400. It is not reduced for the reason that personal claims and political demands and personal intercessions have taken the extra officers away from their troops and put them into soft snaps, into places somebody wants them to go. The difficulty with this whole amendment is that if we have 400 additional officers without making some restrictions as to how they shall be used, it will demoralize the Army far more than it is now demoralized. It will enlarge the demand for officers to be away from their troops, and it will inculcate a sentiment, now altogether too prevalent in many officers, that almost any excuse is good enough to get away from troops and secure some detail on detached service.

This additional number will increase the number of soft snaps; it will increase the chances for pull and emoluments and social honors in the Army and in the department; it will increase the importunities of officers and their friends and create a sentiment that the good places in the Army are to be had from favor instead of merit. I do not believe that anything can increase the demoralization of the Army more than making an increase of 400 officers without providing some restrictions in the service they can perform if taken away from their troops, and for that reason I think this amendment ought to be voted

down until it can be coupled with a proper condition as to how these officers shall be used. Now, secondly, the Committee on Military Affairs adopted a provision that Regular Army officers shall be used so far as this can properly and profitably be done. We are paying \$3,500,000 a year to officers on the retired list of the Regular Army without their performing any service. When the matter was before the Committee on Military Affairs, Gen. Wood told the committee that of the 80 officers retired last year only 14 were retired on account of age—only 14 out of 80. One of the officers on the retired list is serving in an important position in the State of New York under a salary of \$12,000 a year. Another officer—

Mr. HULL of Iowa. But he gets no retired pay whatever.

Mr. STEVENS of Minnesota. Gen. Symons?

Mr. COOPER of Wisconsin. Doing what?

Mr. STEVENS of Minnesota. As an engineer of the canal. There are officers in this city on the retired list getting large pay and earning much money these days who could give good service with their troops or in other branches of civil or military service.

Mr. TAWNEY. Will my colleague permit an interruption?

Mr. STEVENS of Minnesota. Certainly.

Mr. TAWNEY. How many officers are there on the retired list?

Mr. STEVENS of Minnesota. About 1,000, in round numbers. I will venture to say that of the 80 officers retired last year more than a majority of them could have just as good service, if not better service, in many places than those taken from the line of the Army. What I wish to bring before the House is this: If we permit these 400 officers to be added now without these restrictions, it will be impossible hereafter to make those restrictions. There will be no way to compel this needed legislation. It all should go together; restrictive service for which these officers who may be detached and require that the regular officers shall be compelled to do service for their country for which they receive pay, wherever their services can be used to advantage; and that is the reason the bill as reported from the committee should be adopted. Naturally, the War Department and the Army do not want these restrictions. They wish to assign these officers wherever they please; they do not wish to be held by any congressional restrictions. Now it is stated that these officers will be used for the National Guard. They will not.

If the House will turn to page 46 of the report of the Secretary of War it will be found that only 185 of these officers can be used for the National Guard for this next year according to his report.

The SPEAKER. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. I would like to have two minutes.

Mr. HAY. I have not the time.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I would like to say something on this subject from the standpoint of the National Guard. I served a good many years in the guard, both as a private, as a noncommissioned and as a commissioned officer, and I know the absolute necessity of expert instruction for these men. The country owes it to the boys who enlist in the National Guard to give them at least competent instructors. So far it has failed to do it. When I was a captain of a company in the Alabama Militia I would have given a great deal to have had an Army officer at the encampments where these boys were; but we never had one. When I came to Congress I got a requisition from the governor of Alabama and letters from the entire Alabama delegation in Congress, asking the department to detail one man to the State of Alabama to instruct the guard; and Gen. Elliott informed me, in the presence of the adjutant general of Alabama, that he could not give us one single active officer, because he did not have him to spare.

They sent us, after long pleading, a retired officer; but no retired officer can be as effective as an active officer who has a record to make, who is under discipline himself, and knows how to require the same of the men under him. We can not force these retired officers to do anything. They are on the list as retired men and are not expected to do anything; their records are made, and there is very little to inspire them to hard work.

Speaking as a national guardsman, I say that the Government owes it to the boys who are patriotic enough to give of their time and labor, and even of their money, to learn how to fight, to send them at least competent instructors to teach them. [Applause.]

There should be at least one regular officer detailed for duty with every brigade of militia. I believe that it would take at

least 400 officers to make such details and supply those now needed in the Army itself. I therefore shall vote for the amendment of the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, no stronger argument for the adoption of any measure ever submitted to this House can be furnished than the number of human lives needlessly sacrificed during the period of preparation for every military struggle this country has engaged in.

The countless dead who went to their graves because of unpreparedness and lack of thorough military training is one of the lamentable chapters of our history.

Our men have never lacked in valor, but they have sorely lacked the training necessary to properly guard against the ravages of disease, and they never will until we provide means by which the great body of courageous young men in the National Guard of the various States can be effectively trained in the best military methods of the day. [Applause.]

If this measure had been enforced before the Spanish War, most of the lives lost during it would have been saved.

It has been the uniform desire of all the leading military authorities of the United States for years to harmonize the tactics and training of the Regular Army and the National Guard.

By the terms of the Dick bill we made a long step in the right direction. By adopting this amendment we can do much more.

The adjutant generals of the States have been criticized in this debate for urging this bill. No set of men have a better right to urge it and none know better than they and the men in the guard the advantages to the Nation. [Applause.]

If you want to keep down the number of the Regular Army, this is the surest way to avert its increase. This is the most certain method available to insure economy and military efficiency in this country.

The National Guard officers and men, who are constantly making sacrifices of time and talent for the good of the country, should be aided and appreciated.

By this method a body of nearly 200,000 young Americans will become thoroughly trained soldiers, prepared for any military hardship in any emergency, and it will cost the Government of the United States less than \$2,000,000 a year.

Surely it deserves the support of those who believe in economy and the cheapest insurance of our national safety. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, how much time have I now?

The SPEAKER. Ten minutes.

Mr. HULL of Iowa. I hope the gentleman from Virginia [Mr. HAY] will use some more of his time, then.

Mr. HAY. Mr. Speaker, I have nine minutes remaining, I believe.

The SPEAKER. Nine minutes.

Mr. HAY. I yield four minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, in this bill it has been already provided that retirement shall be given to veterinary surgeons. Another amendment, still undisposed of, provides rank and retirement for the dental surgeons of the Army, and the pending amendment proposes to increase the officers by 430 men. On October 15, 1910, including the Philippine Scouts, there were 4,633 officers in the Army and 82,643 enlisted men, or, on an average one officer for every 16 men in the Army. [Applause.]

In addition to that there are 1,015 officers upon the retired list. When it was proposed at first to make this increase in the number of officers in the Army the War Department never dreamed of urging it in order to advance the efficiency of the National Guard, but when it was ascertained that there was a well-defined opposition to increasing the officers in the Regular Army, because unnecessary, it was suggested that it could be hastened through by getting the backing of the National Guard behind the proposed legislation. If some of the worthless details were abolished, or some of the officers were sent out to do military duty, instead of being assigned around this Capital and other great cities of the country, wasting their time in social festivities, there would be no difficulty whatever to obtain all the trained help needed to organize and train the militia. [Applause.] It is impossible for anybody to go through the War Department and ascertain the number of officers detailed here and detailed at other places which are commonly referred to as "soft snaps," without knowing that we have a number of them who can be assigned to useful duty.

It must be remembered, Mr. Speaker, that not only is there one commissioned officer for every 16 men, but the noncommissioned officers do much of the work of controlling and handling

and training the men in small squads. As a matter of fact, if we added the noncommissioned officers, who do much of the real effective work, to commissioned officers, the probabilities are it would not be possible to find even a single man for some of these officers to command.

I desire to call the attention of this side of the House to an important matter. There seems to be a systematic movement during these closing days of Congress to add largely to the permanent services of the Government, which must be paid for by a Democratic House when it convenes next year. Members who talk about economy and of cutting down expenditures and relieving the country from some of the waste and burdens which have accumulated under the Republican administration make a mistake when they vote these permanent additions to the fixed service of the country. I hope the House will vote down the amendment. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, as one who has served in the National Guard, the attempt to provide that guard with adequate instruction from competent officers is one that particularly appeals to me. The members of the National Guard are doing a patriotic service and in every way our Government should cooperate with them. We have now the spectacle presented every year of many thousands of our men going from their occupations and spending a week or two weeks in drilling and preparing themselves to serve the country. In order that the drilling, that the military work that they do at so much sacrifice shall prove effective, they must have experienced and competent officers to instruct them. The States are unable to furnish such officers, and therefore it is to the National Government that they appeal. An increase in the number of officers detailed to the enervating life and social temptations of Washington I do not wish to see, but that men experienced and skilled may be detailed to our National Guard to help its efficiency is the object of the provision, and in that object I concur. It is not to enlarge, but it is to prevent the necessity of increasing the standing Army that the National Guard calls on the Government to give it adequate instruction for its men. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I deprecate any attempt to make this in any wise a partisan question. It seems to me that it is distinctly not a partisan question. It makes no difference whether the Republicans or the Democrats shall control this Government during the next years to come, the military establishment must be properly maintained, and the necessary funds for maintaining it must be forthcoming.

I have served as a member of the National Guard for almost 14 years in different capacities, from that of a private to the rank of a field officer, and I know something about the needs and wishes of those men. There is a no more patriotic and unselfish class of men among our whole citizenship than the members of the National Guard. Without pay, practically, receiving pay only on days of parade and encampment, and even then they give back in the way company dues, so that without pay, and at considerable expense besides, these men give up their time, usually one or more evenings each week through the year in addition to field days, camps, and maneuvers, trying to fit themselves for the duties of a soldier.

They are nominally a State force, but they are really a part of the first line of defense of the United States; and we all know that with our small regular establishment our main dependence in case of any war to come must be upon the volunteer soldier, and that our militia, the National Guard, must be the very backbone of such a volunteer force.

In order to make the National Guard effective it must be properly instructed, and the best way yet devised to accomplish this is to give the officers and men the benefit of the education and training of regular officers. We are informed by the War Department that these instructors can not be supplied without an increase in the number of officers. The three gentlemen from Alabama [Mr. UNDERWOOD, Mr. HOBSON, and Mr. CRAIG], who have discussed this amendment from that side of the House, have made it so clear that further argument would seem superfluous. These additional officers are needed in order to maintain the efficiency of the service and properly instruct the Organized Militia, and in my judgment it is false economy to refuse to provide for them. I hope the amendment of the gentleman from Virginia [Mr. HAY] reducing the number will not be agreed to.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, the purpose of making this increase in the number of officers is to make more efficient the militia that we have created by virtue of what is known as the Dick militia law. Awhile ago I talked with a soldier who served in the Civil War four years, and I asked him if he thought it would be a wise measure to increase the number of officers for the Army with a view to having them instruct the militia. He said, "Most assuredly it would be. When we were in the service, if we could get men who had previous military training we found that we were better able to cope with our adversaries." I have been unable to find a soldier of the Civil War, not connected with the regular establishment, who has criticized in the slightest degree this move to increase the officers for the purpose of instructing the militia of this country.

Now, my fellow countrymen, if we have a great war we can not depend upon the Regular Army. We must go to the body of the people. We must go to the governors of the 46 or 48 States and ask them to give their quota of men. They will furnish the volunteers—first, the militia; and if we have officers to train them, we shall be the better prepared to enter into a great contest along that line. I do not favor 612. I favor reducing the number by 182.

I am glad to see among the distinguished gentlemen on the other side of the Chamber a man who will soon be at the head of the Ways and Means Committee [Mr. UNDERWOOD], a man who served with distinction in the Spanish-American War, who told you of the condition of the Army so far as its necessities are concerned, which shows there is no politics in it. It is for the good of the service.

Mr. HULL of Iowa. I hope the gentleman from Virginia will now use his time.

Mr. HAY. Mr. Speaker, I want to answer the remarks of the three gentlemen from Alabama who claim that they are voting for this proposition, offered by the gentleman from Iowa [Mr. HULL], because they want the National Guard instructed. I am a friend to the guard and have shown it by my votes on this floor. The amendment which I offer provides for 200 additional officers. Those 200 additional officers are ample to instruct the National Guard. There are about 120 regiments and about 40 other independent organizations in the National Guard, which would make 160 organizations to be instructed, if that is what the gentleman wants. Two hundred officers would amply provide the instruction, and that proposition can not be successfully denied.

The gentlemen who are in favor of this proposition have been very adroit in placing the whole fight upon the idea of doing something for the National Guard, when, as a matter of fact, not more than 160 of these officers will be used for that purpose, and the others will be used as additional officers in the Army of the United States. There can be no excuse, then, for voting for this bill for 400 officers on the ground that they want instructors for the National Guard. Two hundred officers will give you all the instruction that you need, and, after a careful consideration and study of this question, I am satisfied that the Army of the United States does not need this additional number of officers. If officers are needed for the instruction of the National Guard, I have provided in my amendment every officer needed for that purpose.

Mr. HULL of Iowa. Mr. Speaker, I desire to occupy the remainder of my time.

Mr. HAY. Mr. Speaker, I will yield the balance of my time to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, with reference to the statement that retired officers refuse to do the work assigned them, I want to say that if the House would enact legislation which our committee has recommended they will do it or get off the retired list. [Applause.] We propose that officers of proper age and proper physical capacity shall do something to earn the money that they receive, and if they decline to do it they will cease to be pensioners on the people. And, Mr. Speaker, there are plenty of them who want to work; they are capable, and a man does not become unfit because he has gone on the retired list. His experience in the Army would make him more fit for this sort of work.

Mr. HULL of Iowa. Mr. Speaker, the gentleman from Virginia thinks that 200 officers will amply supply the militia. I can only answer that by saying that Gen. Wood, Chief of Staff, in the hearings, and all other authorities, estimate that about 325 would be necessary to supply the militia. I doubt if it takes that number, because we have stricken out brigades and divisions, but 200 men will not be enough.

There are at present 725 officers on detail. It is claimed that many of the details are unnecessary. Possibly that is true. But the Committee on Military Affairs went over this question

of details very carefully, and one of the ablest members of the committee made it his special province to examine into it and reported the total amount saved in his report limiting the detail was less than 100 and the total detail was 725. In order to do that the different schools of the country were limited to one detailed officer for each individual State, not one for each school.

In my judgment, this measure that we are offering will aid largely in the efficiency of the Army and undoubtedly contribute materially to the efficiency of the militia.

It will not be a full measure of relief even if 400 are given, and if I had my way I would make it 530 instead of 430. The Committee on Military Affairs has passed on this question, and I shall not undertake to change its estimate of the number. I want to say, however, to the gentlemen here who have discussed this question, the great need of this country is not a large enlisted force of the Army, but it is to supply a force of educated officers of the Army. We can raise our men, millions of them, if necessary, but you can not train officers and educate them in an emergency, on the spur of the moment, and the more serviceable, educated officers you have the better the country will be prepared in time of war. The first two weeks, or the first two months, after the outbreak of hostilities, with incompetent officers commanding untrained men, will cost this country not only millions of money, but the lives and health of many men. The Government can make no better investment than by supplying a large number of competent officers.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HUGHES of New Jersey. Does the gentleman think that we need more than one officer for 18 enlisted men?

Mr. HULL of Iowa. We have not got that; but if we needed one for every 18, or even a larger number, I say have it.

Mr. HUGHES of New Jersey. We have got one officer for every 18 enlisted men.

Mr. HULL of Iowa. Let me ask the gentleman what part of the detail he would take away.

Mr. HUGHES of New Jersey. I would be willing to defeat this amendment.

Mr. HULL of Iowa. Many companies have no commanding officers, and it is impossible for the officers to do the duty assigned them without you increase the number of officers. The country is clamoring for more details and would not consent to a reduction as it now stands.

[Mr. McLACHLAN of California addressed the House. See Appendix.]

Mr. HULL of Iowa. Mr. Speaker, I move the previous question on the motion and amendments pending.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the amendment offered by the gentleman from Virginia to the amendment of the gentleman from Iowa. The Clerk will read the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Strike out "four" and insert "two," so that it will read "shall not exceed two hundred."

The question was taken; and on a division there were 125 ayes and 90 noes.

Mr. HULL of Iowa. Tellers, Mr. Speaker.

Tellers were ordered, and the Chair appointed as tellers Mr. HULL of Iowa and Mr. HAY.

The House again divided; and the tellers reported that there were 100 ayes and 89 noes.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa.

The question was taken.

Mr. HUGHES of New Jersey. Mr. Speaker, I demand a division.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Clerk state what the motion is.

The SPEAKER. The motion of the gentleman from Iowa is to recede from the disagreement to the Senate amendment and concur in the same with an amendment, as amended by the motion just adopted, inserting two hundred in place of four hundred.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. Is it now in order to offer in lieu of the motion from the gentleman from Iowa a motion that the House insist on its disagreement?

The SPEAKER. The previous question has been ordered. It would have been in order to concur absolutely in the Senate amendment if it had been in time, but the gentleman from Iowa

moved to recede and concur with an amendment, and that amendment was amended.

Mr. HUMPHREYS of Mississippi. Is it not now in order to insist further?

Mr. MANN. It will be if this motion is voted down.

Mr. HUMPHREYS of Mississippi. Does not that take precedence of the motion of the gentleman from Iowa?

The SPEAKER. It will be in order if this motion is voted down. The question is on agreeing to the motion of the gentleman from Iowa, that the House do recede and concur with an amendment as amended. On that the gentleman from New Jersey [Mr. HUGHES] demands a division.

The House divided; and there were—ayes 134, noes 66.

Mr. COX of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana demands the yeas and nays. As many as favor ordering the yeas and nays will rise and remain standing until counted. [After counting.] Thirty-one gentlemen, not a sufficient number; and the yeas and nays are refused.

Mr. COX of Indiana. Mr. Speaker, I demand the other side.

The SPEAKER. The gentleman from Indiana demands the other side. Those who are opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] Those demanding the yeas and nays are 31, those opposed are 165—not a sufficient number; and the yeas and nays are refused.

So the motion to recede and concur in the Senate amendment with an amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 49, page 42, after line 13, insert:

"Hereafter there shall be attached to the Medical Department of the Army a corps of dental surgeons, which corps shall not exceed in number the actual requirements nor the proportion of 1 to 1,000 authorized by law for service in the Regular Army, and all original appointments to said corps shall be made to the rank of first lieutenant. The appointees must be citizens of the United States, between 22 and 30 years of age, graduates of standard American dental colleges, of good moral character, and of unquestionable professional repute, and shall be required to pass the usual physical examination and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects in a standard dental college course: *Provided*, That dental surgeons attached to the Medical Department of the Army at the time of the passage of this act may be eligible to appointment, three of them to the rank of captain and the others to the rank of first lieutenant, on the recommendation of the Surgeon General, and subject to the usual physical and professional examinations herein prescribed: *Provided further*, That the professional examination may be waived in the case of dental surgeons whose efficiency reports and entrance examinations are satisfactory to the Surgeon General; and the time served as dental surgeons under the act of February 2, 1901, shall be reckoned in computing the increase service pay of such as are appointed under this act. The pay, allowances, and promotions of dental surgeons shall be fixed and governed by the laws and regulations applicable to the Medical Corps; that their right to command shall be limited to the members of the dental corps; that their right to promotion shall be limited to the rank of captain after 5 years' service and to the rank of major after 10 years' service: *Provided*, That the number of majors shall not at any time exceed one-eighth nor the number of captains one-third the whole number in the said dental corps. The Surgeon General of the Army is hereby authorized to organize a board of three examiners to conduct the professional examinations herein prescribed, one of whom shall be a surgeon in the Army, and two of whom shall be selected by the Surgeon General from the contract dental surgeons eligible under the provisions of this act to appointment to the dental corps. The annulment of contracts made with dental surgeons under the act of February 2, 1901, shall be so timed and ordered by the Surgeon General that the whole number of contract and commissioned dental surgeons rendering service shall not at any time be reduced below 30."

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on the disagreement to this amendment.

The motion was agreed to.

Mr. HULL of Iowa. Mr. Speaker, I move that the House agree to the conference asked for by the Senate on the disagreeing amendments.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. HULL of Iowa, Mr. PRINCE, Mr. SULZER.

CIVIL WAR VOLUNTEER OFFICERS.

Mr. SULZER. Mr. Speaker, I send to the Clerk's desk and ask to have read in my time an article by Maj. Gen. Daniel E. Sickles, of the State of New York, relating to a matter of justice to the soldiers and sailors of the Union. The article speaks for itself.

The Clerk read as follows:

AN OPEN LETTER TO CONGRESS AND THE PRESIDENT—MAJ. GEN. DANIEL E. SICKLES, UNITED STATES ARMY, RETIRED, URGES PROMPT ENACTMENT OF PENDING CIVIL WAR VOLUNTEER OFFICERS' RETIREMENT BILL.

Permit me, with due respect, to address to you at this critical time, and from a wholly disinterested standpoint, an earnest word in behalf of the surviving Civil War Volunteer officers.

No body of men ever served their country more gallantly and unselfishly in a crisis of greater extremity or with more splendid and enduring results. The present generation is the prosperous beneficiary of that service. There is danger that history may also have to record that no body of deserving men were ever so completely ignored by the country they served. From Appomattox to the present date those Volunteer officers for whom I here appeal have received no recognition at the hands of the preserved Republic. On the contrary, by adverse discrimination they seem to have been singled out for neglect and discredit. The opportunity now offers to remedy a great wrong. At this time our general pension legislation is apparently being revised, enlarged, and possibly given its final form. The moment is therefore opportune for correcting the glaring defect to which I now more specifically invite your attention.

AGE PENSIONS AND THE STEAM ROLLER.

As you are aware, our present age-pension laws disregard the former rank and length of service of the beneficiaries and make a 90-day enlistment and an honorable discharge the only requirements for full and equal participation in pension benefits. Under that system surviving Volunteer officers who served at the front throughout the Civil War, commanding companies, batteries, regiments, brigades, and divisions, are reduced to the ranks and accorded the same recognition and benefits as those who were enrolled as privates for three months and were never required to leave their native State.

It is submitted that this anomaly ought to be eliminated from our legislation, and eliminated now during the present session of Congress, while some former officers yet survive to benefit by the correction. The request for this action is broadly based on the obvious merits of the case, the nature, results, and value of the service rendered, but additional specific reasons supporting it are unanswerable. The central proposition is this: (1) That in providing fit recognition of the service rendered by these Civil War Volunteer officers that recognition ought to have regard to their former rank, responsibility, and service. (2) That to reject this principle in the present case is an unfair discrimination which ignores the evident equities of the subject, violates all important precedents in our Nation's history, disregards the otherwise universal rule of graded retired pay, both military and civil, repudiates the Government's honorable obligation to enforce equality of treatment in awarding to Regular and Volunteer officers recognition for identical Civil War service, and thus places upon the Civil War Volunteer officers an intolerable stigma of demerit.

PRECEDENTS FOR PENSIONS ACCORDING TO RANK.

When the Continental Congress in 1780 promised to the officers of the continental line (the limited number of "regular" troops in the Revolutionary Army) retired half pay during life, that benefit, at Washington's request, was graded and adjusted according to previous rank, responsibility, and duties.

When in 1832, more than 40 years after the war, Congress, as a free-will offering of patriotic appreciation, and not in fulfillment of any previous pledge, voted full retired pay during life to all the surviving veterans of the Army of the Revolution not previously provided for, all of whom were citizen soldiers, again that retired pay, with one maximum limitation, was graded according to previous rank, responsibility, and service, both among officers and enlisted men. Thus was the American precedent and practice of adjusting to previous rank the recognition and benefits for notable and sanguinary military service established and doubly confirmed by the founders of the Republic. The pensions granted to disabled veterans of the Mexican War were likewise graded according to the rank of both officers and enlisted men.

When, following the Civil War, Congress established the present retired-list system for the Regular Army and Navy the retired pay was, as it still is, graded according to previous rank, responsibility, and service. The colonel receives more than the captain, the sergeant more than the corporal and private, and each according to length of service. Any proposal to substitute in the Army and Navy a scheme of level or uniform benefits would scarcely be treated seriously.

GRADED CIVIL AND INDUSTRIAL RETIRED PAY.

Without known exception, in all systems of age pensions or retired pay for civil and industrial officials and employees established by National, State, and municipal governments, and by railway, commercial, and manufacturing corporations the same rule of graduating benefits according to previous rank, responsibility, and service prevails. From 1780 to 1911 no one, unless it be an occasional Socialist, has ever suggested that such gradation of recognition as is outlined above constitutes an unfair discrimination in favor of those who receive somewhat more and against those who receive somewhat less. The system is universal and time-honored, because it is just and because it furnishes in all pursuits an invaluable incentive to honorable ambition and good work. It is a public asset and not a liability.

In the face of this approved and uniform rule and custom, thus applied in all our public and private, military and civil affairs, it is unthinkable that these veteran Volunteer officers should be set apart and ostracized as being alone unworthy of sharing the benefits of an otherwise universal system.

HUMILIATING DISCRIMINATIONS AGAINST VOLUNTEER OFFICERS.

But this long line of humiliating discrimination does not end here. Note its culmination. At the beginning of the Civil War, when, for the first time on a gigantic scale, the Nation was required to solve the problem of employing side by side in a long and bloody conflict Regular and Volunteer troops of equal valor and efficiency, President Lincoln and the Thirty-seventh Congress pledged equality of treatment and reward as between the two lines of service. On the faith of this pledge the Union Army was enrolled, and these officers accepted their task. But in the absence of such a formal promise failure to enforce that equality of treatment and reward between the Nation's common defenders would have been both indefensible and suicidal. That assurance of fair play, whether express or implied, was the bond which held in fraternal comradeship and effective service the 857,000 Volunteers and 31,000 Regulars who formed the Union Army and Navy. This rule of the square deal, the Republic's word of honor, was observed toward all during the years of the war. Since the war it has been fulfilled regarding enlisted men and uniformly violated in the case of the Union Volunteer officers. At this time repeated acts of Congress grant to all Regular officers at the retiring age of 64 one grade advance of retired rank and pay in sole consideration for having served for one day or more in any military capacity during the Civil War. This benefit extends to those who were cadets at West Point and Annapolis up to the eve of Lee's surrender. Nearly 900 of the Regular officers of the Army, Navy, and Marine Corps have been thus exceptionally promoted

and rewarded. This is neither a local nor a passing question. It affects the whole Republic for all time.

SPECIAL REWARDS TO REGULAR OFFICERS.

The value of this special recognition in its added honor and prestige can not be measured in money, but its pecuniary value is shown by the pay tables of the Army and Navy. To a colonel of the Regular Army of any Civil War service it means an addition of \$1,500 to yearly retired pay. Regular officers of the lower grades receive a corresponding increase. This special benefit is not in any sense or degree a reward for life employment in the Army; otherwise it would accrue equally to Regular officers having no Civil War record. The language of the several statutes confirms this.

NEGLECT, OBLIVION, AND A \$15 PENSION.

In contrast with this generous Civil War bounty to Regular officers, against which Volunteer officers have made no complaint, consider the fact that no corresponding or approximate recognition or provision is made for Civil War Volunteer officers, even those of the most prolonged, perilous, and distinguished service. Instead of the promised equality of treatment, a colonel of Volunteers who served in the field from Bull Run to Appomattox, and has reached threescore and ten, is awarded the threefold recompense of neglect, oblivion, and a private soldier's pension of \$15 a month. No possible comment could add force to this simple statement of fact.

THE VOLUNTEER OFFICERS' RETIREMENT BILL.

The remedy for this wrong is at hand. I do not need to remind you that there is now pending in both Houses of Congress what is known as the Warner-Townsend Civil War Volunteer officers' retired list bill. It has been given a unanimously favorable report by the House Committee on Military Affairs and by the proper subcommittee of the Senate Committee on Military Affairs. It can be enacted into law at the present session if Congress so determines. The nominal retired pay provided in that bill, as most recently amended, applies only to officers at least 70 years of age and of veteran service, two years being required for full benefits; it is graded as far as practicable according to previous rank, with a maximum retired pay of \$900 per annum and a minimum of \$450. The average is considerably less than the benefit realized by the Regular officers from their special Civil War increase of retired pay noted herein. Its cost to the Government is less than \$5,000,000 above present pensions and less than \$3,000,000 above the pensions contemplated in the so-called Sulloway bill. Of the 15,000 beneficiaries about half are from 70 to 75 years of age and the remainder from 75 upward, an average of several years above the average age of enlisted men.

UNGROUND OPPOSITION REMOVED.

The Legislatures of New York, Ohio, Illinois, Indiana, Maine, Michigan, Kansas, Wyoming, Utah, and Colorado have unanimously approved and requested the enactment of this legislation. It has not been opposed by any except the few who have mistakenly assumed that its enactment might delay additional pensions for enlisted men. This misconception is now being removed by the general pension legislation at this time passing through Congress. The concurrent present enactment of a suitable pension act and of the Volunteer officers' retired list bill would fitly round out the system of beneficial legislation for Civil War veterans and be satisfactory to all reasonable persons.

VITAL IMPORTANCE OF GOOD FAITH.

Our Nation maintains a small permanent Army, and relies upon the several States to furnish on call, for great emergencies, volunteers to constitute the bulk of its fighting force—in the Civil War 96 per cent. The vital importance of keeping faith with such Volunteers and with the States which contribute them is well set forth by the House Committee on Military Affairs in their report upon the pending Volunteer officers' retired list bill when they say:

"The present measure is in part designed to remedy this unfair and indefensible discrimination between Regular and Volunteer officers. It is believed that the defensive power and prestige of the Nation, as represented by its ability to raise great armies hereafter and by the self-respect, military spirit, ambition, incentive, and efficiency of its citizen soldiery when called into the Federal service in future wars, is to a large extent involved in the present exercise of fair dealing as between our Regulars and Volunteers, and hence in the giving of a rightful answer to the pending reasonable request of these surviving Civil War Volunteer officers for simple legislative justice."

In conclusion, allow me to say that the record of service made by the Volunteers in the Civil War has no parallel in any other war, modern or ancient. A nation that fails to be just to its defenders in battle does not deserve to have defenders, and may not have defenders in its next war.

Very respectfully, D. E. SICKLES,
Major General, United States Army, Retired.

NEW YORK CITY, February 14, 1911.

I certify that the foregoing is a correct copy of the original.

A. B. NETTLETON,
Late Brevet Brigadier General, United States Volunteers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KNAPP for one day, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. SHACKLEFORD to withdraw from the files of the House, leaving copies in lieu thereof, the papers in the case of Isabel Richter, Sixty-first Congress, an adverse report having been made thereon.

LEAVE TO PRINT.

By unanimous consent, leave to print on the agricultural appropriation bill was granted to Mr. RUCKER of Colorado for five legislative days.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I submit a conference report on the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and for other purposes, for the fiscal year ending June 30, 1912, for printing under the rules.

The conference report (No. 2180) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, 15, 18, 31, 35, 37, 39, 41, 43, 49, 51, 53, 54, 58, 62, 63, 64, 78, 84.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 10, 13, 14, 21, 22, 24, 27, 32, 33, 34, 36, 38, 40, 42, 44, 52, 59, 60, 65, 67, 68, 69, 70, 71, 72, 75, 80, 85, 86, 87, 89, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and fourteen thousand three hundred"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert "and twenty-five"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-five"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert in lieu thereof the following:

"For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, \$425,000: *Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act, and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants, and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation supported by a statement of his reasons therefor as to the necessity or advisability of continuing or discontinuing each such school or agency plant."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "shall" and insert the word "may"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of the proposed amendment, and on page 6 of the bill, after line 10, insert a new paragraph as follows:

"For general expenses for telegraphing and telephoning in the Indian Service, \$14,000: *Provided*, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian Service, is hereby made available to cover all general expenses for telegraphing

and telephoning in the Indian Service that have been or may be incurred during the fiscal year 1911."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In line 10 of the proposed amendment, after the word "States," strike out the balance of the amendment and insert in lieu thereof the following:

"On or before June 30, 1918, and all repayments to this fund made on or before June 30, 1917, are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1917, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1917, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: *And provided further*, That the Secretary of the Interior shall close the account known as the civilization fund created by article 1 of the treaty with the Osage Indians, dated September 29, 1865 (14 Stat. L., p. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section 11 of the Indian appropriation act for the fiscal year 1898, approved June 7, 1897 (30 Stat. L., p. 93), is hereby repealed."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: After the word "bridges," at the end of the proposed amendment, change the period to a comma and insert: "and that the limit of cost herein fixed in no event shall be exceeded"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The first proviso in section 25 of the Indian appropriation act approved April 21, 1904 (33 Stat., p. 224), is hereby amended so that the first sentence in said proviso shall read as follows: '*Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 10 acres of the irrigable lands'; and there is hereby appropriated the sum of \$18,000, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments, for the fiscal year 1912: *Provided*, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the first two words of the proposed amendment and insert the word "The."

In line 24 of the proposed amendment, after the word "quarries," strike out the words "under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795."

In line 30, before the word "proceeds," insert the word "net."

Strike out the last two lines of the proposed amendment and insert:

"That so much of the act of February 23, 1889, entitled 'An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservations in Idaho, May 14, 1880, and for other purposes,' and the provision in section 7 of the Indian appropriation act approved April 4, 1910, as conflict with the provisions herein are hereby repealed."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out all the proposed amendment and in lieu thereof insert:

"There is hereby appropriated the sum of \$5,000, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the costs and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section 22 of the Indian appropriation act for the fiscal year 1911, approved April 4, 1910, between the United States and the Yankton Tribe of Indians of South Dakota, to determine the interest, title, ownership, and right of possession of said tribe of Indians in and to certain lands and premises therein described."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of \$2,500, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"*Provided*, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"In the issuance of patents for all tracts of land bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that 'this conveyance is subject to an easement of 100 linear feet back from a contour of elevation 9 feet above the high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power.'"

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "available,"

strike out the words "for superintendent's cottage, \$5,500"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-five thousand one hundred"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "In all, \$82,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: After the word "dollars" in line 4 strike out the balance of the proposed amendment and insert "additions to dormitories, \$30,000; in all, \$50,200"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert in lieu thereof the following: "For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, \$2,500"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted and unreserved lands of the United States in the Kiowa, Comanche and Apache Reservations."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, strike out the words "by the Government of the United States may be made with the approval of" and insert in lieu thereof the words "may be made by."

At the end of the proposed amendment, strike out the words "of the United States."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be deposited in national or State banks in the State of Oklahoma in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Okla., and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of \$3,578.03, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of \$3,702.74."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the

Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, \$50,000: *Provided*, That the total cost of this project shall not exceed \$155,000, including the sum of \$35,141.59 expended on this project to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For support and education of Indian pupils at the Indian school at Pierre, S. Dak., and for general repairs and improvements, to be immediately available, \$6,000."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu thereof the following:

"For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, \$10,000, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of the Indians herein appropriated for and the manner in which this appropriation shall have been expended."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, after the word "of," strike out the words "lateral distributing systems and the maintenance of existing"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert:

"To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, \$15,000, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May 27, 1902, including the sales of lots within the said town site of Theodore."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: At the end of the proposed amendment add the following: "to be reimbursable from the 'Puyallup 4 per cent school fund';" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and in lieu thereof insert the following:

"The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 6 of the proposed amendment, after the word "thereof," insert: "not to exceed \$35,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In line 4 of the proposed amendment, after the word "timber," insert "now."

In line 29, after the word "feet," strike out the words "in any one year."

At the end of the amendment insert a new paragraph as follows:

"The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, 1911."

And the Senate agree to the same.

On the amendments of the Senate numbered 48, 76, and 82 the committee of conference has been unable to agree.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,

Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,

Managers on the part of the Senate.

STATEMENT.

The Senate conferees have receded on the following amendments: Nos. 7, 12, 15, 18, 31, 35, 37, 39, 41, 43, 49, 51, 53, 54, 58, 62, 63, 64, 78, and 84.

The House conferees have receded unqualifiedly on the following amendments: Nos. 1, 3, 8, 10, 13, 14, 21, 22, 24, 27, 32, 33, 34, 36, 38, 40, 42, 44, 52, 59, 60, 65, 67, 68, 69, 70, 71, 72, 75, 80, 85, 86, 87, and 89.

On amendments Nos. 48, 76, and 82 the conferees have been unable to agree.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1 authorizes the purchase of "ditches" along with water rights, lands, etc., necessary for irrigation projects on Indian reservations.

No. 3 gives the Secretary of the Interior authority to use the appropriation for general irrigation purposes to make investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, which is as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, allotment, or other appropriation any lands within any Indian reservation, valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project heretofore or hereafter to be authorized by Congress: *Provided*, That if no irrigation project shall be authorized prior to the opening of any Indian reservation containing such power or reservoir sites the Secretary of the Interior may, in his discretion, reserve such sites pending future legislation by Congress for their disposition, and he shall report to Congress all reservations made in conformity with this act."

No. 8 limits the expenditure for transportation, etc., of native pupils from Alaska to persons under 21 years of age.

No. 10 eliminates the expense of telegraphing and telephoning as a charge upon the appropriation for the purchase of goods and supplies for the Indian Service.

No. 13 is considered in connection with amendment No. 6, on which the House recedes with an amendment.

No. 14 raises the limit of compensation from \$20 to \$30 per month for privates in the Indian police force.

No. 21 provides for the maintenance of the Indian school at Pipestone, Minn., by making an appropriation of the same amount as that made for the fiscal year 1911. In the bill as it passed the House this school was not provided for, nor was it included in the departmental estimates.

No. 22 makes the usual annual appropriation out of tribal funds of \$1,000 to be used for the annual celebration held by the White Earth Band of Chippewa Indians.

No. 24 is to correct an error in the appropriation bill of last year in respect to the location at which the bridge authorized in the last appropriation act was to be built.

No. 27 increases the appropriation for the Flathead irrigation project in Montana from \$300,000 to \$400,000. This fund is reimbursable and the additional amount can be used economically during the next fiscal year, although it exceeds the departmental estimates by that amount.

Nos. 32 and 33 appropriate \$25,000 for a new dormitory for boys at the Indian school at Albuquerque, N. Mex.; not included in estimates but said to be necessary.

No. 34 increases the appropriation for fulfilling treaties with Six Nations of New York by \$1,000 made necessary by amendment No. 88.

Nos. 36 to 45, inclusive, all relate to the appropriation for the Fort Totten Indian School in North Dakota. Had the Senate amendments from 36 to 45, inclusive, been in the usual form the House would have receded on amendment No. 36 with an amendment providing for the increase in the number of pupils to be educated at this school from 325 to 400, and making an increase in the appropriation of \$12,525. This is the effect of the agreement of the conferees on these several amendments.

No. 52 authorizes the Secretary of the Interior to designate an employee to sign, in his name, tribal deeds in the Five Civilized Tribes. This is substantially the provision sought to be enacted into law by H. R. 28217.

Nos. 59 and 60 provide an appropriation of \$15,000 for the extension of the Indian school building at Salem, Oreg.; not included in departmental estimates, but said to be necessary.

No. 65 is to correct an error in the total amount appropriated for the Pierre Indian School, South Dakota.

Nos. 67, 68, and 69 provide for an increase in the number of pupils to be educated at the Rapid City Indian School, South Dakota, from 250 to 300, and an increase of the appropriation therefor by \$8,550, of which \$2,000 is made immediately available.

Nos. 70 and 71 are legislative propositions relating to the Pine Ridge and Rosebud Indian Reservations in South Dakota, enlarging the area within which the State is given authority to select lands in lieu of school lands allotted to Indians. This is made necessary by reason of the fact that there are no lands of value from which the State can make selections under the acts of which these provisions are amendatory. The amendment of the sections is indicated in the following paragraphs by inserting the words in italics and eliminating the words inclosed within brackets.

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at \$2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or *within the said Pine Ridge [or Rosebud] Indian Reservation*, to locate other lands not otherwise appropriated, *not exceeding two sections in any one township*, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

[*Provided*, That in any event not more than two sections shall be granted to the State in any one township, and lands must be selected in lieu of sections 16 or 36, or both, or any part thereof, within the townships in which the loss occurs, except in any townships where there may not be two sections of unallotted lands, in which event whatever is required to make two sections may be selected in any adjoining township.]

No. 72 extends the time within which the commission appointed to inspect, classify, and appraise unallotted lands in the counties of Mellette and Washabaugh in the Rosebud Indian Reservation in the State of South Dakota shall perform their work to June 1, 1911. The act under which the commission is operating limits the activities of the commission to a period of six months from the date of organization. It is found to be necessary to make the extension in order that the commission may properly complete its work.

No. 75 grants the State of Utah an isolated school property on the former Uintah Indian Reservation of nominal value on condition that the school shall be maintained by the State of Utah as an institution to which Indian pupils shall at all times be admitted free of charge for tuition and on terms of equality with white pupils.

No. 80 provides for the reimbursement of appropriations made from public funds for the irrigation project on the Yakima Indian Reservation in the State of Washington. The provision is to eliminate possible ambiguity in the language of the last appropriation act relating to the same subject.

No. 85 provides for the maintenance of the Hayward School in Wisconsin by making an appropriation of the same amount as that made for the fiscal year 1911. In the bill as it passed the House this school was not provided for, nor was it included in the departmental estimates.

Nos. 86 and 87 provide for installing a heating plant and ventilating system at the Indian School at Tomah, Wis., at an expense of \$3,500. This was not estimated for by the department, although admitted to be necessary.

No. 89 is the same provision incorporated as section 28 in the bill as it was reported to the House, but which went out on a point of order. Your conferees believe that this is wholesome and necessary legislation, which is appropriately, if not technically, within the legitimate scope of the present bill.

The House conferees receded on the following amendments with modifying amendments or substitutes: Nos. 2, 4, 5, 6, 9, 11, 16, 17, 19, 20, 23, 25, 26, 28, 29, 30, 45, 46, 47, 50, 55, 56, 57, 61, 66, 73, 74, 77, 79, 81, 83, and 88.

Nos. 2 and 4 provide for an increase in the appropriation for irrigation of Indian reservations from \$300,000 to \$325,000, an increase of \$25,000.

No. 5 increases the appropriation for the suppression of the traffic in intoxicating liquors among Indians from \$70,000 to \$75,000.

No. 6 consolidates the appropriations for the construction, lease, purchase, and repair of school buildings and for buildings and repairs at agencies. The Senate amendment has been modified by adding thereto the following:

"*Provided*, That the Secretary of the Interior shall report annually to Congress, the amount expended at each school and agency for the purposes herein authorized: *Provided further*, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to all school and agency properties entitled to share in appropriations, general or specific, made in this act, and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands; and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipment; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation supported by a statement of his reasons therefor as to the necessity or advisability of continuing or discontinuing each such school or agency plant."

These provisions are designed, first, to furnish Congress with detailed information with respect to expenditures from this large fund; secondly, to elicit authentic information regarding the investment in, the necessity of, and the revenues derived from Indian school properties, for which the Government is making large appropriations. In order that Congress may act intelligently in providing appropriations for these purposes, this information is indispensable.

No. 9 is the same provision that was in the act last year, with a modification of the word "shall" to "may," and is as follows:

"All moneys appropriated herein for school purposes among Indians may be expended without restriction as to per capita expenditure for the annual support and education of any one pupil in any school."

No. 11 provides a new paragraph in the bill segregating the item of telegraphing and telephoning from the purchase of goods and supplies and making an independent item of it, together with an appropriation of \$14,000.

No. 16 creates a revolving fund of \$30,000 for the purpose of encouraging industry among Indians. The fund may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment, but all expenditures are required to be repaid into this special fund, under rules and regulations to be prescribed by the Secretary of the Interior, the funds to remain available until 1917. In order that the fund may be thoroughly safeguarded from misapplication, the civilization fund is directed to be closed, and the unusual authority conferred upon the Secretary of the Interior by the act of June 7, 1897, is terminated.

Article 1 of the treaty between the United States and the Great and Little Osage Indians, concluded September 29, 1865 (14 Stat., 687), is as follows:

"ART. 1. The tribe of the Great and Little Osage Indians, having now more lands than are necessary for their occupation, and all payments from the Government to them under former treaties having ceased, leaving them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United

States the lands contained within the following boundaries, that is to say: Beginning at the southeast corner of their present reservation and running thence north with the eastern boundary thereof 50 miles to the northeast corner, thence west with the northern line 30 miles, thence south 50 miles to the southern boundary of said reservation, and thence east with said southern boundary to the place of beginning: *Provided*, That the western boundary of said land herein ceded shall not extend farther westward than upon a line commencing at a point on the southern boundary of said Osage country 1 mile east of the place where the Verdigris River crosses the southern boundary of the State of Kansas. And in consideration of the grant and sale to them of the above-described lands the United States agree to pay the sum of \$300,000, which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States, and interest thereon at the rate of 5 per cent per annum shall be paid to said tribes semiannually, in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may from time to time direct. Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, but no preemption claim or homestead settlement shall be recognized; and after reimbursing the United States the cost of said survey and sale, and the said sum of \$300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the civilization fund, to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States."

By reference to House Document No. 1319 of the present session it will be observed that the civilization fund created by article 1 of the treaty of September 29, 1865, has been treated as a revolving fund for a very wide range of purposes; also it has been replenished from time to time by executive action, and the repayments have been expended under the same wide authority that obtained in respect to expenditures from the original fund. It is thought wise to terminate this fund and also to repeal the act of 1897, which found its way into the statute books through the medium of an Indian appropriation act. So long as these two acts are operative it is difficult for the Congress to legislate with certainty as to the limit of specific appropriations. Section 11 of the act of 1897 is as follows:

"SEC. 11. That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available, may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made."

The possibilities of the range of application of general funds under this provision of law are limited by the ingenuity of the human mind to juggle appropriations and by the jurisdiction of the Interior Department.

No. 17 appropriates the sum of \$55,000 for two bridges for the benefit of the Pueblo Indians in New Mexico and limits the cost thereof to that amount.

No. 19 enlarges the unit of allotment to the Indians on the Yuma and Colorado River Reservations in California and Arizona from 5 to 10 acres per capita and appropriates the sum of \$18,000 as the first of 10 installments to defray the cost of irrigating the increased allotments. The total cost of the project is reimbursable, and it is provided that the cost shall be a lien upon the lands irrigated when the Indians take a patent in fee for the purpose of alienating their allotments. This provision is expected to check the demand for irrigation of Indian allotments for the primary benefit of white men.

No. 20 is designed to meet an exigency on the Fort Hall Indian Reservation which has become more or less chronic. It is believed that the present legislation meets the needs of the Indians on that reservation and will permit of the early allotment of the lands in severalty. (See H. R. 32349 and H. Rept. No. 2043.)

No. 23 provides an appropriation of \$5,000 to carry into effect an authorization in the appropriation act of last year.

No. 25 provides an appropriation of not to exceed \$2,500 for the purpose of defraying the expenses of a delegation of the White Earth Band of Chippewa Indians to Washington during the present session.

No. 26 is the same in purpose as the amendment agreed upon as a substitute for No. 19.

No. 28 provides for the conservation of water power on the shores of Flathead Lake, Mont.

Nos. 29 and 30 provide for a heating plant at the Indian school at Genoa, Nebr., at an expense of \$5,000, to be immedi-

ately available. This item was not included in the departmental estimates, but is said to be necessary.

No. 46 provides for additions to dormitories at the Indian school at Wahpeton, N. Dak., at an expense of \$30,000. Neither this item nor the school was included in the departmental estimates.

No. 47 creates a special fund of \$2,500 for irrigation at the Bismarck school, N. Dak.

No. 50 provides for the sale of odds and ends of lands in Kiowa Agency Reserve, in Oklahoma, in the discretion of the Secretary of the Interior, and requires the deposit of the proceeds in the Treasury instead of reappropriating it, as was proposed by the original amendment.

No. 55 is legislation relating to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, which is made necessary by the legislation in the general deficiency bill of the last session prohibiting the making of contracts by these tribes without the approval of Congress.

No. 56 provides for the deposit of the net proceeds from the sales of tribal lands in the Five Civilized Tribes in national and State banks, in the discretion of and under rules and regulations to be prescribed by the Secretary of the Interior. It also provides that the interest accruing on such funds may be used toward defraying the expense of the per capita payments to the tribes.

No. 57 squares an account with J. Blair Schoenfeldt due to causes about which there is much dispute. (See S. Rept. No. 840, 61st Cong., 2d sess.)

No. 61 makes an appropriation of \$50,000 for the continuation of the Modoc Point irrigation project on the Klamath Indian Reservation in Oregon, and fixes the limit of cost therefor, as contemplated in section 1 of the Indian appropriation act for the fiscal year 1911.

No. 66 provides a deficiency appropriation of \$6,000 for the Indian School at Pierre, S. Dak., made necessary because of increased attendance of pupils at that school.

No. 73 provides an appropriation of \$10,000, or so much thereof as may be necessary, to be immediately available, for the purpose of relieving distress among certain detached Indians in Utah for whom no appropriation has heretofore been made.

No. 74 appropriates \$75,000 (reimbursable) for continuing the irrigation systems of the Uncompahgre, Uintah, and White River Utes, in Utah. This item was not included in the departmental estimates, but is within the present estimated limit of cost of the project and is said to be necessary to the economical progress of the work thereon.

No. 77 makes an appropriation of \$15,000 (reimbursable) for the purpose of constructing a bridge across the Duschene River at or near Theodore, Utah.

No. 79 makes an appropriation of \$40,000 (reimbursable) for the purpose of paving a street and constructing sidewalks in front of the Cushman School grounds at Tacoma, Wash.

No. 81 authorizes the Secretary of the Interior to investigate conditions and report his conclusions as to the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation in the State of Washington at the expense of the Indian funds. This provision is in lieu of the direct appropriation of \$100,000 provided for in the original amendment.

No. 83 provides for the sale of the Fort Spokane Military Reserve on the Colville Reservation in Washington and appropriates the proceeds, not to exceed \$35,000 in amount, for school purposes for the benefit of the Colville and Spokane Indians and requires the Secretary of the Interior to report his action to Congress at its next session.

No. 88 provides for renewing negotiations with the Oneida Tribe of Indians in Wisconsin with a view to reaching a satisfactory agreement respecting the capitalization of their annuities, and enacts legislation to meet an exigency existing on the Menominee Reservation in Wisconsin in respect to the disposition of dead and down timber due to recent destructive forest fires. The provision is safeguarded in respect to changing existing law on the subject by limiting it to the period of one year.

As reported from conference the bill carries appropriations to the amount of \$8,872,297.88 payable from public funds, of which amount the sum of \$1,068,000 is considered to be safely reimbursable, and \$540,000 is reimbursable in part, but the amount is indefinite and difficult to estimate. In addition to the appropriations from public funds the bill carries appropriations from trust and tribal funds as follows:

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|---|-----------|
| Chippewas of Minnesota, act of January 14, 1889 | \$165,000 |
| Chippewas of Minnesota, White Earth Band | 3,500 |
| Kiowa, Comanche, and Apache Tribes, Oklahoma | 25,000 |
| Cheyenne River and Standing Rock Sioux | 150,000 |

The following statement shows the distribution of the appropriation from public funds in respect to the objects for which appropriations are made in the bill:

| | |
|---|--------------|
| Survey and allotment (reimbursable in part) | \$215,000.00 |
| Irrigation, general fund | 325,000.00 |
| Irrigation, specific projects (reimbursable) | 983,000.00 |
| Suppressing liquor traffic | 75,000.00 |
| Relief of distress | 60,000.00 |
| Education: | |
| General fund | \$1,420,000 |
| Specific schools and specific educational purposes | 2,025,540 |
| Instruction in agriculture, forestry, and domestic science | 400,000 |
| Construction and repairs, school buildings | 425,000 |
| Transportation, Indian pupils | 82,000 |
| Purchase, inspection, and transportation supplies | 4,352,540.00 |
| Support and civilization | 285,000.00 |
| Telegraphing and telephoning | 1,008,800.00 |
| Witness fees and legal expenses | 14,000.00 |
| Board of Indian Commissioners | 2,500.00 |
| Compensation of interpreters | 4,000.00 |
| Compensation of Indian police | 8,000.00 |
| Compensation of judges, Indian courts | 200,000.00 |
| Contingencies, Indian Service | 12,000.00 |
| Promoting Indian industry (reimbursable) | 115,000.00 |
| Bridge on Navajo Reservation, Ariz. | 30,000.00 |
| Bridges in New Mexico | 90,000.00 |
| Relief of distress among Indians in Florida and Utah | 55,000.00 |
| Line riders in Montana | 20,000.00 |
| Special attorney for Pueblos in New Mexico | 1,500.00 |
| Five Civilized Tribes | 2,000.00 |
| Schoenfeldt claim | 275,000.00 |
| Care of insane Indians | 7,397.88 |
| Bridge in Utah (reimbursable) | 30,000.00 |
| Street pavement and sidewalks, Cushman School, Wash. (reimbursable) | 15,000.00 |
| Treaty stipulations | 40,000.00 |
| | 646,560.00 |
| Total | 8,872,297.88 |

The following statement shows the number and purpose of the amendments considered in conference, together with the increase in the appropriation, by items, proposed by the Senate, and the increase agreed upon in conference:

Amendments considered in conference providing for increased appropriations.

| Number and purpose of amendment. | Increase proposed by Senate. | Increase agreed upon in conference. | Funds from which payable. | Remarks. |
|--|------------------------------|-------------------------------------|---------------------------|---------------|
| 2. Irrigation (general fund). | \$50,000.00 | \$25,000.00 | Public | |
| 5. Suppressing liquor traffic | 10,000.00 | 5,000.00 | do. | |
| 11 and 12. Telephoning, telegraphing. | 15,000.00 | 14,000.00 | do. | |
| 15. Classifying Indian records. | 10,000.00 | do. | do. | |
| 16. Encouraging Indian industry. | 30,000.00 | 30,000.00 | do. | Reimbursable. |
| 17. Bridges in New Mexico. | 55,000.00 | 55,000.00 | do. | |
| 18. Northern California Industrial Association. | 20,000.00 | do. | do. | |
| 19. Irrigation, Yuma allotments. | 18,000.00 | 18,000.00 | do. | Do. |
| 21. Pipestone School, Minn. | 39,675.00 | 39,675.00 | do. | |
| 22. White Earth Chippewas. | 1,000.00 | 1,000.00 | Tribal | |
| 25. White Earth Chippewas (expenses). | 2,500.00 | 2,500.00 | do. | |
| 27. Irrigation, Flathead, Mont. | 100,000.00 | 100,000.00 | Public | Do. |
| 30. Genoa School, Nebr. | 10,500.00 | 5,000.00 | do. | |
| 31. Repairs, bridge, Knox County, Nebr. | 1,500.00 | do. | do. | |
| 32. Albuquerque School, N. Mex. | 25,000.00 | 25,000.00 | do. | |
| 34. Annuity, Six Nations. | 1,000.00 | 1,000.00 | do. | |
| 35. Support, Sioux, Devils Lake. | 2,500.00 | do. | do. | |
| 36. Fort Totten School, N. Dak. | 27,025.00 | 12,525.00 | do. | |
| 46. Wahpeton School, N. Dak. | 46,000.00 | 30,000.00 | do. | |
| 47. Irrigation, Bismarck School, N. Dak. | 2,500.00 | 2,500.00 | do. | |
| 49. Fort Sill Indian School and Kiowa Agency. | 5,276.60 | do. | do. | |
| 50. Proceeds of sale of tracts of lands, Oklahoma. | Uncertain. | do. | do. | |
| 51. Five Civilized Tribes (administration). | 20,000.00 | do. | do. | |
| 53. Five Civilized Tribes (school). | 75,000.00 | do. | do. | |
| 54. Five Civilized Tribes (orphan school). | 5,000.00 | do. | Tribal | |
| 57. Schoenfeldt claim | 7,397.88 | 7,397.88 | Public | |
| 58. John W. West claim. | 5,000.00 | do. | Tribal | |
| 59. Salem School, Oreg. | 15,000.00 | 15,000.00 | Public | |
| 61. Irrigation, Klamath Reservation, Oreg. | 50,000.00 | 50,000.00 | do. | Do. |
| 64 and 67. Carlisle School. | 12,000.00 | do. | do. | |
| 66. Pierre School, S. Dak. | 6,000.00 | 6,000.00 | do. | |
| 69. Rapid City School, S. Dak. | 8,550.00 | do. | do. | |
| 73. Detached Indians, Utah. | 10,000.00 | 10,000.00 | do. | |
| 74. Irrigation, Uncompahgre, Utah, White River Utes, Utah. | 75,000.00 | 75,000.00 | do. | Do. |

Amendments considered in conference providing for increased appropriations—Continued.

| Number and purpose of amendment. | Increase proposed by Senate. | Increase agreed upon in conference. | Funds from which payable. | Remarks. |
|---|------------------------------|-------------------------------------|---------------------------|---|
| 77. Bridges at Theodore, Utah. | \$25,000.00 | \$15,000.00 | Public. | Reimbursable. |
| 78. Cushman School, Tacoma, Wash. | 70,000.00 | ..... | do.... | Do. |
| 79. Street pavement, Cushman School. | 40,000.00 | 40,000.00 | do.... | Do. |
| 81. Construction wagon roads, Yakima Reservation, Wash. | 100,000.00 | ..... | do.... | Do. |
| 83. Colville and Spokane Indians, Wash. | 135,000.00 | 135,000.00 | do.... | Payable from proceeds sale Fort Spokane Military Reservation. |
| 84. Cushman School, Tacoma, Wash. | 75,000.00 | ..... | do.... | Reimbursable. |
| 85. Hayward School, Wis.... | 36,670.00 | 36,670.00 | do.... | |
| 87. Tomah School, Wis..... | 3,500.00 | ..... | do.... | |
| Total..... | 1,156,594.48 | 668,317.88 | | |
| 88. Oneida capitalization (decrease). | 20,000.00 | ..... |  |  |
| Net increase..... | 1,136,000.48 | 668,317.88 | | |

¹ Estimated.

² Not exceeding.

The amendments on which the conferees were unable to agree are as follows:

No. 48. "Any licensed trader in the Standing Rock Indian Agency of North and South Dakota who has any claim against any Indian of said agency for goods sold to such Indian may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time thereafter, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for the settlement of the account between the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and determine the amount due thereon. Any account so settled by the superintendent or any such account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That out of any moneys that shall thereafter become due to said Indian, by reason of any annuity or other indebtedness, from the Government of the United States, or for property sold by or on account of such Indian, there shall be paid by the superintendent to such trader at least 25 per cent of the money which would be due such Indian and 25 per cent of any money that may thereafter become due to such Indian until the account stated shall have been paid. And where the amount due said Indian shall be sufficient, in the judgment of said superintendent, to pay a greater amount of said indebtedness, still leaving said Indian sufficient for his ordinary needs, such superintendent shall use his influence to secure the payment of the whole or a greater proportion of said account: *Provided*, That such Indian may at any time appear and contest any item in the said account which he has not proved."

No. 76. "That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause patents to issue to all persons who have heretofore made settlement in good faith and for their own use and benefit on the unallotted agricultural lands in the Uintah Indian Reservation under the act of Congress approved May 27, 1902, and acts supplementary thereto, and who also have undertaken to maintain continuous residence thereon for one year, but have been prevented through lack of water, upon the payment of \$1.25 per acre for said lands."

No. 82 proposes to withhold \$100,000 from the fifth and last installment of \$300,000 due the Indians on the Colville Reservation, in Washington, for a cession of land opened to settlement by the act of July 1, 1892. The purpose of withholding the \$100,000 is to afford certain attorneys an opportunity to ask for a readjudication of their claims for counsel fees which were settled by the Court of Claims in the case of *Butler & Vale v. The United States and the Indians residing on the Colville Reservation* (No. 29522), under authority of the jurisdictional act of June 21, 1906 (34 Stat., 377 and 378), decided by the court

May 25, 1908, allowing attorneys \$60,000 in full settlement of their claim, which, by the decree of the court, was distributed as follows:

| | |
|---|---------|
| Benjamin Miller, administrator of the estate of Levi Maish, deceased..... | \$6,000 |
| Hugh H. Gordon..... | 14,000 |
| Marion Butler..... | 20,000 |
| Josiah Vale..... | 10,000 |
| Daniel B. Henderson..... | 5,000 |
| Heber J. May..... | 3,000 |
| Frederick C. Robertson..... | 2,000 |

It is now claimed on behalf of the attorneys interested that an additional amount of \$90,000 is due.

On these items of difference the House conferees respectfully request the direction of the House.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,

Managers on the part of the House.

PERMISSIBLE EXPLOSIVES.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent to print as a House document Miner's Circular No. 2, on permissible explosives submitted by the Bureau of Mines.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Has not the Bureau of Mines an appropriation for printing?

Mr. COOPER of Pennsylvania. They have an appropriation for printing; but a question has been raised as to whether or not they can supply Members of Congress with more than one copy.

Mr. FITZGERALD. Mr. Speaker, I object for the present.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was disagreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill (H. R. 32212) and pending that motion I ask the gentleman from Tennessee [Mr. PADGETT] on the committee if we can arrange as to a general debate. I would ask him how much time he desires for general debate.

Mr. PADGETT. I will say to the gentleman, I have requests for hours more than we can accommodate.

Mr. FOSS. Would the gentleman make a suggestion?

Mr. PADGETT. I suggest that we agree upon six hours, and have a night session to-night for general debate; no other business than general debate to be transacted.

Mr. MANN. Why not have a night session to-night and meet at 10 o'clock to-morrow and finish general debate?

Mr. FOSS. Mr. Speaker, I ask unanimous consent that general debate continue for six hours, the House to remain in session for general debate until the committee chooses to rise.

Mr. MANN. I hope the gentleman will ask unanimous consent that the House meet at 10 o'clock in the morning and finish general debate.

Mr. FOSS. I will adopt the suggestion of the gentleman from Illinois that the House meet at 10 o'clock in the morning.

Mr. CARLIN. I object to that.

Mr. FITZGERALD. Will the gentleman permit me a suggestion? Is the debate that is to take place to be pertinent to this bill?

Mr. FOSS. I understand it is to this bill.

Mr. FITZGERALD. Then there must be a quorum here if the House is going to sit, and Members might as well take notice of that fact now.

Mr. FOSS. It is only for the purpose of general debate.

Mr. FITZGERALD. If it is going to be general debate on this bill, with important things omitted and provided in it, Members will have to be present or the session will not go on. I give that notice.

Mr. MANN. General debate is not all on the bill.

Mr. PADGETT. There is a good deal on naval matters.

Mr. BARTLETT of Georgia. Mr. Speaker—

Mr. FOSS. Mr. Speaker, I want to request unanimous consent that debate be limited to six hours, the time to be divided between the gentleman from Tennessee [Mr. PADGETT] and myself, and that the House remain in continuous session for the purpose of general debate this evening and meet at 10 o'clock in the morning, as suggested by the gentleman from Illinois.

Mr. CARLIN. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman from Illinois asks unanimous consent that six hours be had for general debate upon the naval appropriation bill, the House to remain in continuous

session to-night, and that the House when it adjourns to-day adjourn to meet at 10 o'clock to-morrow.

Mr. CARLIN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman this question: Why can not general debate be concluded to-night and have three hours general debate instead of six?

Mr. FOSS. That would make the session rather late. I should say we could not run much more than four hours or four hours and a half.

Mr. CARLIN. I say that because we want to preserve to-morrow for the Claims Committee, and I do not want to get the naval bill in a position where it will have the whole day; and if that is the purpose, why the House ought to understand it now.

Mr. MANN. I will say to the gentleman that if the House takes up claims to-morrow, we would have one more hour in which to deal with claims.

Mr. CARLIN. I understood the gentleman's motion was that we should meet to-morrow at 10 o'clock and continue the consideration of this bill.

Mr. PADGETT. Not at all.

The SPEAKER. Is there objection?

Mr. CARLIN. I think we can reduce this general debate to less than six hours.

Mr. MANN. It was agreed to—

Mr. CARLIN. No—

Mr. MANN. I mean between gentlemen on that side. It is your side that wants the time for debate.

Mr. CARLIN. Then, Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there further objection?

Mr. BARTLETT of Georgia. Mr. Speaker, reserving the right to object, I ask that it be stated that no other business be transacted except that of debate.

The SPEAKER. To-night?

Mr. BARTLETT of Georgia. To-night.

The SPEAKER. Does the gentleman from Illinois [Mr. Foss] modify his request?

Mr. FOSS. I do.

The SPEAKER. The gentleman from Illinois modifies his request so that no other business will be in order to-day, except general debate in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32212, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, with Mr. CURRIER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. Macon] one hour.

Mr. MACON. Mr. Chairman, my remarks upon this occasion shall be more in the nature of a minority report against the bill that has been reported from the Committee on Naval Affairs, which provides for the promotion of Commander Peary to the rank of rear admiral and retired on the highest pay of that rank, for his discovery of the North Pole.

When the bill was under consideration by the committee and reported out by it, I was temporarily absent from the city attending the christening of the battleship that bears the name of my State, and hence was not present and therefore could not ask the privilege of the committee of filing a minority report.

Therefore on this occasion I propose to say something about this alleged discovery and the gentleman who alleges to have discovered the pole, so that the Members can have what I have digested upon the subject to consider in connection with their duty in arriving at an honest conclusion in regard to this matter.

Mr. Chairman, I realize that my efforts to defeat the passage of the bill to promote and retire Capt. Peary are herculean in their proportions when I consider that I have the combined influence of the administration, a paid lobby of the Peary Arctic

Club, and the National Geographic Society to contend with, but having right upon my side, as I see it, I am going to do everything in my power to defeat it and allow the American people to pass judgment upon what is said and done by those who are for and those who are against this species of legislation. I know it is said that the President has a judicial mind, and hence when he arrives at a conclusion concerning any matter that it is well founded, but in this particular instance I must respectfully take issue with that contention, because it appears from telegrams that passed between him and Dr. Cook on the 4th day of September, 1909, that he did not require much proof or use much thought before he discovered that Cook had discovered the North Pole. I will here incorporate a verbatim copy of the telegraphic correspondence between them in order that the world may understand that the President had discovered that Dr. Cook had discovered the pole before he ever heard of Peary's discovery of it. [Laughter and applause.]

COPENHAGEN, September 4.

PRESIDENT.

The White House, Washington, D. C.:

I have the honor to report to the Chief Magistrate of the United States that I have returned, having reached the North Pole.

FREDERICK A. COOK.

BEVERLY, MASS., September 4.

FREDERICK A. COOK,

Copenhagen, Denmark:

Your dispatch received. Your report that you have reached the North Pole calls for my heartiest congratulations and stirs the pride of all Americans that this feat, which has so long baffled the world, has been accomplished by the intelligent energy and wonderful endurance of a fellow countryman.

WILLIAM H. TAFT.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. MACON. I must refuse to yield. I regret that I can not yield.

Mr. MOORE of Pennsylvania. I was going to ask the gentleman a question. He and I differ so materially on this question that I think it would be best to have an understanding about this question now. If the gentleman refuses to yield, and goes on, I shall endeavor to make some notes while he proceeds. For the present the gentleman declines to yield and would prefer not to be interrupted during the course of his address?

Mr. MACON. Yes. After I have completed, if the gentleman desires me to answer any questions, I will be glad to give him time for that purpose.

Mr. MOORE of Pennsylvania. The gentleman will hold to that throughout the course of his address?

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. Very well.

Mr. MACON. Thank you, sir. I do not think, under the circumstances, that we can afford to give much faith and credit to the President's ascertainment of this matter, and I know that we can not afford to heed the importunities of a paid lobby that has haunted the Capitol for days and days in the interest of the bill that I am now protesting against the passage of. I will, therefore, pass to that part of the subject under consideration that seems to require a greater degree of investigation on the part of the membership of the House before it gives its vote for or against this unprecedented measure.

The truth compels me to say that I am so constituted that I have always been skeptical concerning many of the scientific theories that have been advanced from time to time by the various schools of scientists, and in reason, their many contradictions of, and disagreements about, the subjects treated by them fully justify the skepticism of anyone who thinks for himself in regard to such matters; and sirs, there are many thousands of human beings who think just as I do about it, that pretend to accept any kind of a so-called scientific statement or discovery without question, because they are so weazen-brained [laughter] that they think they will be classed as scholars if they do accept them at first blush—a thing devoutly sought after by the really ignorant—or because they fear some unblushing, know-all, or titbit editors of yellow journals, like the New York Times or the New York Post [laughter], will call them ignorant blatherskites. [Laughter]. I pity a man who is so ignorant as to be terror stricken all the time for fear he will be called ignorant by some saphead [laughter], or so cowardly that he is afraid to think his own thoughts for fear some graft-loving editor will find out what he is thinking about and adversely criticize him therefor. Indeed, I do pity so sorry an individual as that. [Laughter.]

Being possessed of skepticism about some scientific theories—especially those that rest alone upon the self-serving declarations of the advocate—I could not help but doubt the discovery

of the North Pole by Dr. Cook when he proclaimed it to the world. At first it seemed that I was about the only one in the community in which I lived that doubted his statement. The newspapers headlined it as the greatest discovery of the age and the Doctor was heralded far and wide as the greatest living hero. My friends and neighbors actually laughed at me and dubbed me a "doubting Thomas." They do not do it any more. The Cook discovery had not gotten cold, however, before up bobs Peary with his discovery of the pole [laughter], and I immediately began to doubt some more, and I have kept it up from that day until this and expect to continue to do so until some unbiased society of experienced geographic scientists passes favorably upon his proofs. Feeling that way about it, when a bill was presented to the Naval Affairs Committee, for its consideration, which proposed to advance Peary from the rank of engineer to that of rear admiral and retire him on a high salary on account of his self-alleged discovery, I exercised the right of one of the Representatives of the great American people, who were to be called upon to honor this man so highly, and pay him so well, and demanded that proof of his discovery be furnished the committee, to be by it submitted to an unbiased geographic society for its findings. I thought then, and I still think, that because of the great rivalry existing between Peary and Cook, and their friends, over the discovery, that the proofs, in justice and reason, should be submitted to the same tribunal that passed upon Cook's proofs.

I thought then, and I still think, that he owed it to the American people, who had paid him a salary for 23 years while he was roaming the ice fields of the North getting rich as a fur trader, to furnish them with proofs of what he claimed to have done before he asked them to confer high honors upon him and increase his compensation in addition thereto. I believe that I would have been a traitor to the trust reposed in me by the honorable, intelligent, and justice-loving citizenry of the first congressional district of the State of Arkansas and unworthy of the title of Representative if I had allowed this man to have received the honors and endowments that he was, and is, importuning Congress to bestow upon him, without demanding his proofs; and the more I have read and heard about the man and his alleged discovery the more firmly convinced am I of the correctness of my position.

Because I would not accept the unsupported and unreasonable tale of Mr. Peary and allow great honors to be heaped upon him without corroboration, some of the newspapers of the country, like the New York Times and the New York Post, that are edited by pea-eyed, pin-headed, and putrid-tongued infinitesimals [laughter], have been trying to persuade the public to believe that I am almost alone in the position I have taken; but, sirs, if they could but read the vast number of petitions, letters, and newspaper clippings that I have received from practically every quarter of nearly every State in the Union, commending my course and urging me to stand by my guns, and assuring me that a large majority of the people of the country are with me in the fight, the little atoms would change their weak minds about the matter, if there is strength enough left in them to change; and if Mr. Peary could see what they say about him I am sure he would not pursue his insane quest further. The letters and petitions referred to are from scientists, geographers, arctic explorers, navigators, lawyers, doctors, merchants, farmers, mechanics, bankers, and physicists, and the newspaper clippings are from highly reputable publications that are looked upon as leaders of honest thought by the citizens of the respective communities in which they are published; and they catalogue a list of misdeeds about this wonderful self-alleged discoverer that would cause anyone to seek a hole in which to hide from the public gaze whose skin was not too thick to be pierced by a spear.

When the committee concluded to consider the bill to promote Peary it requested the gentleman to appear before it with his proofs; but instead of appearing in person, he, or someone for him, caused two members of the National Geographic Society, who as a part of a subcommittee of three had previously passed upon what they called his proofs, to appear for him; and at the hearings they stated, among other things, that they were friends of Peary and believed that he had discovered the pole before they saw any of his proofs. They stated that the only official records that they had of his having been to the pole were some astronomical and tidal observations and a line of soundings extending from Cape Columbia, where the tidal observations were made, to within about 5 miles of the pole; they said that all of the records presented by Peary in support of his alleged discovery of the pole could have been made up in the city of Washington, or at the point where he and Capt. Bartlett separated on their journey toward the pole; they said that Peary took only one latitudinal observation between the

point where he left Capt. Bartlett and the North Pole, a distance of 133 miles, and that he did not make any longitudinal observations at all; they said that they could not have relied upon the report of the observations taken by Peary without any knowledge of the man or without any narrative; they said that nothing was presented to them to show that he ever told any member of his party that he had discovered the pole, and that no member of the party had been interrogated by the committee concerning the discovery, not even Henson; they stated that Peary's observations were taken with an artificial horizon, and they admitted that a slight modification had been made in it because it was not possible to get the sun at very low angles; they stated that the only examination made of the instruments Peary used in taking his observations was made at the station here in Washington; that the findings of the subcommittee, to the effect that Peary had discovered the pole, when submitted to the board of managers of the National Geographic Society, were accepted without question, and had also been accepted by the Geographic Societies of London, Paris, Berlin, Rome, Brussels, Antwerp, Geneva, Dresden, and St. Petersburg without question or investigation of Peary's records by said societies, but admitted that they knew of no instance where a national geographic society had not accepted the findings of other geographic societies without question, except in the case of Dr. Cook.

The Naval Affairs Committee, not being satisfied with the information furnished it by these gentlemen—Messrs. Gaunett and Tittman—insisted upon Mr. Peary's full report being laid before it, whereupon they were informed that that could not be done, for the reason that Mr. Peary had forbidden it on the ground that he had magazine contracts that would yield considerable revenue that would have to be sacrificed if his proofs were made public. The committee then decided that the matter should be indefinitely postponed until such time as Mr. Peary could furnish proofs of his discovery. Since that action was taken by the committee he has written many magazine articles, as well as a book telling his tale of the discovery, and, to say that his story is wonderful, is putting it mildly. I remember to have read a piece of fiction a few years ago, the scene of which was laid in a great monarchy, the capital city of which was located at the North Pole, and, to the best of my recollection, the extreme, unnatural, unreasonable, and unbelievable scenes and acts enumerated and described therein concerning an imaginary sovereignty and a mythic people did not excel the exaggerations contained in a later work of fiction known and described as "The North Pole," by Robert E. Peary. I also remember to have read a novel that was written in the first person, whose hero was a bombastic upstart and braggart that never knew defeat or met an equal in any field of achievement, whether dealing with the hearts of women, the diplomacy of Presidents and statesmen in Washington, the strategy, courage, and alertness of Napoleon and his old guard in Paris, or the arts and wiles of crafty Indians in old St. Louis, and yet the self-exalted and self-puffed acts of the self-opinionated hero of that book do not in any way or in any degree excel the self-told deeds of the wonderful hero that penned the narrative of "The North Pole." I challenge anyone to read the book and dispute my diagnosis of it. And yet the Congress of the United States of America is being asked to jump the writer of that book over the heads of many true, able, and efficient naval officers, who have stood by their posts of duty like the reputed Trojans of a distant age, and promote him to the high and coveted position of rear admiral, with a large salary and a hero's passport to every phase of human society, upon the self-told and unbelievable exaggerations to be found between its lids, the unreliable data for which was collected while our hero was loafing around in northern latitudes gathering up furs to sell and to bestow upon the members of the Peary Arctic Club [laughter] and the National Geographic Society of Washington, that virtually accepted his discovery of the North Pole before examining his proofs, while drawing his pay from the Government with great regularity.

In dealing with Mr. Peary's application for a promotion for the discovery of the North Pole, we ought to employ the same business rules that are used by business men in dealing with the ordinary affairs of life, and I submit that if that is done the gentleman will not receive his promotion until he has furnished better proofs of his discovery than he has up to this time. The burden is upon him to prove his claim by a preponderance of the testimony, if not beyond a reasonable doubt. We will suppose a case of the establishment of a land boundary where it is necessary to find a corner post and then examine his proofs and see whether or not he has made out his case. Let us take the North Pole as the post that it is necessary to discover before the line could be intelligently ascertained and

then investigate Peary's proofs and see whether or not a favorable verdict could be rendered upon them by a fair and impartial jury. The Geographic Society has found a favorable verdict upon them, but according to the statements of the committee that investigated the case, they were not impartial. In fact, they had their minds made up as to what verdict they would render before they took their seats in the box. Common gratitude for gifts received by members of the Geographic Society, of which Peary is a member, and their pride in having the world believe that a member of their exclusive body did find the pole might reasonably be expected to influence the findings of that tribunal.

Let us therefore take a glance at their evidence before the Naval Affairs Committee once more and see whether or not unbiased minds ought to be bound by the findings of the only geographic society that has really passed upon Peary's proofs.

The witnesses state that they were friends of Peary and believed that he had discovered the pole before they saw any of his proofs. That alone is enough to condemn their findings as being of the most biased character. They stated that the only official records they had of his having been to the pole, when they were considering what verdict to render in regard to the discovery, were some astronomical and tidal observations and a line of soundings that he had made extending from Cape Columbia to within about 5 miles of the pole; that the records presented by Peary of his soundings and tidal observations, as well as everything else submitted by him in support of his alleged discovery, could have been made up in the city of Washington, or at the point where he and Bartlett separated on their journey toward the pole. That being the case, have we any evidence of the truthfulness of the records of the soundings and observations furnished the society by Peary, except his own unsupported statement in regard to the matter? And hence, if we accept that these soundings and observations were made, we must take the unsupported statement of Peary as a basis for our action.

These gentlemen told the committee that Peary took only one latitudinal observation between the point where he left Capt. Bartlett and the North Pole, a distance of 133 miles, and that he did not make any longitudinal observations at all. Scientists tell us that unless longitudinal observations are taken at intervals, when crossing the barren ice fields of the North, it is impossible to tell whether you are going directly north or south. Therefore it is silly to ask an intelligent body of men to accept the findings of this distinguished geographic society, in regard to so important and doubtful a discovery, when the discoverer did not know in what direction he was traveling. In fact, did not know whether he was going in or coming out. [Laughter.] It is also absurd to ask anyone to believe that an explorer could travel over an unknown and badly broken ice field for a distance of 133 miles and "pop" right down on the pole without having taken but one latitudinal observation in the entire distance traveled. They stated that they could not have relied upon the report of the observations taken by Peary without any knowledge of the man or without a narrative.

That being the case anyone can see that the society, in order to make the finding it did, considered the observations worthless of themselves and took the unsupported word of Peary with his narrative as a basis for their findings. They could not have given much faith and credit to the soundings that Peary reported to have made within 5 miles of the North Pole, for he himself says that while he was making it his wire broke and he lost both wire and weight. How in the name of reason could an imperfect sounding of that kind be valuable to anyone in arriving at an honest verdict concerning the discovery of the North Pole? They stated that the examination of the instruments Peary used on his trip was made at the railroad station in Washington. Such an examination must have been only casual, if not highly careless, and goes to show that in everything that was done by the society in connection with its ascertainment of the truth of the discovery of the pole by Peary was of the most casual, careless, and unreliable character. They stated that Peary's observations were taken with an artificial horizon and they admitted that a slight modification, presumably by them, though they did not state that fact, had been made on the horizon because it was not possible to get the sun at very low angles.

Think of it, gentlemen, the very idea of asking Congress to accept as true observations that were taken with an artificial horizon near the North Pole that had to be modified by a society in the city of Washington when they were passing upon the facts presented to them by the great discoverer. They stated that nothing was presented to them to show that Peary ever told any member of his party that he had discovered the pole, and that no other member of the party had been interro-

gated by the committee concerning the discovery. When we consider that the nations of the world have been vying with each other for centuries upon the subject of discovering the North Pole, it is unbelievable that one who had sought it for 23 years could discover it and keep the knowledge of so important a fact within his own breast for the period of time that it is claimed that Peary did before he made it known to even his traveling companions—companions who had helped him to make his trip, and without whom it would have been impossible to have made it. It is an insult to ask intelligent men to believe such rot. Gentlemen, if you were in the box upon your oaths to try the case of locating the boundary line that I have cited, could you say, upon the testimony of the witnesses who have testified up to this time and the exhibits presented by them in support of their testimony, that the corner post had been located?

When the subcommittee was called together a few days ago for the purpose of further considering the bill to promote and retire this near hero [laughter], a motion was made to report the bill favorably, and I again demanded proofs of his discovery, whereupon Mr. Peary was invited to appear before the committee and furnish them. Some of the committee were in earnest in their desire for the real facts in the case, and insisted upon asking questions that they deemed pertinent, but the best information, or so-called proofs, that they could get from the alleged discoverer, when summed up, were a lot of guesses, speculations, assumptions, estimates, and evasions, and from these four of the subcommittee of seven solemnly reported that the proofs were sufficient to establish the self-serving declaration of the gentleman to the effect that he had discovered the pole.

Mr. Peary admitted that he did not take a single longitudinal observation upon his entire trip and that he took no latitudinal observations from the point where Capt. Bartlett turned back to Camp Jesup, which he estimated to be a distance of about 130 miles and estimated to be within 3 miles of the pole. He admitted that he did not take a correct sounding between 85° 23' and the North Pole, and that the needle of his compass was pointing toward the magnetic pole, which he stated was about 1,200 miles distant from the North Pole. He stated that he traveled over an unknown, broken ice field, covered with high-pressure ridges and dangerous ice leads, a distance of 130 nautical miles in five days, which would be equal to about 35 statute miles per day—something that was never done by an Arctic explorer before in the history of the world—and built his own igloos while he was doing it, and, seemingly, expected men possessed of some degree of sense to believe that he made the trip under such difficulties and at such a rapid rate of speed, without making an observation of any kind, and his needle pointing in an entirely different direction, and yet made a bee line to the pole. Some of us who have tried to plow a straight furrow or lay a fence worm across a 10-acre field without stakes to guide us, or who have undertaken to ride across a broad prairie without a path or other object to direct our course, know how impossible his contention is when he insists that he could rush pell-mell over a rough, rugged, and broken ice course for a distance of 130 miles without an observation or object to guide him and go directly north to an imaginary point. He admitted that he had no charts, data, or other scientific matter that would aid an explorer in any degree in his efforts to discover the pole; that that long sought-for object was as completely lost now as it was before he discovered it.

When we consider that latitudes run north and south and longitudes east and west, and that latitudes are measured by longitudes, it is impossible to believe that Peary, under the circumstances and conditions stated, could have any more known the correct latitude that he was in than a traveler would have known the number of furlongs that he had traveled in a day without counting the number of mileposts that he had passed on his way.

And yet we are asked to accept the bold statements of the gentleman as God-given facts concerning everything that he claimed to have done on his journey, when they are contradicted by a combination of every reasonable physical and scientific impossibility. There is a limit to human prowess and endurance as well as to the knowledge of man, and when we are asked to accept such exaggerated statements and conclusions as this gentleman presents as a reason why he should be honored beyond all reasonable expectation, I think that his insistence should be accepted as an insult to the intelligence of the American people rather than an appeal to their sentimental generosity and their overbearing desire for hero worship. I yield to no man in my desire to do justice to every real hero who has done something for his country's good, but my contempt for fake heroes is supreme, no matter in what

sphere they presume to operate. The world has had real heroes in every field of human activity that it has delighted to honor and their fame will live with time, but it has also been cursed with fake heroes who have flourished for a season and then, like grass, would wither away. San Juan Hill had one of those for a time [laughter], but upon investigation it was shown that he would have been a Spanish prisoner instead of an American hero if it had not been for the intervention of Negro troops. [Laughter.] Less than a year ago a conquering hero of birds and beasts marched forth from the jungles of Africa [laughter] and crossed the European Continent with majestic tread and finally landed upon our own shore, where he was met by thousands of hero worshipers who received him as an uncrowned emperor, but it was not many moons before many of those who paid him homage upon that occasion bowed their heads in chagrin and tried to forget it. Thus it will be seen, Mr. Speaker, that it will not do to put bogus heroes upon pinnacles of fame, for it will not be long before they must come down.

A real hero would not accept honors at the hands of his people where there was a shadow of a cloud upon his title thereto; and we need no safer guide to disclose a fake hero than that of his being willing to accept a reward at the hands of a confiding and generous people when there is a shadow enveloping his title in any degree. Let us now see if the gentleman who is asking honors at the hands of the American people has a shadow resting around and about his claim to them, and if there is any reason for that cloud to exist, when considered in the light of his own contentions.

I am advised by one school of scientists that it is a physical impossibility for man or beast to reach the North Pole for the diminishing centrifugal action of the earth, and in proportion the increasing center of gravitation, near the pole, causes a complete failure of human and animal energy that produces a kind of paralysis that causes the loss of power of motion, sensation, or function in any part of the body, including the exercise of the faculties of the mind.

Mr. TILSON. Mr. Chairman, may I interrupt the gentleman there?

The CHAIRMAN. Will the gentleman yield?

Mr. MACON. My time is so limited that I can not yield now. I must go through.

Mr. TILSON. I just wanted some authority on that subject. It is very interesting. I would like to know what the authority is.

Mr. MACON. I stated that it was the theory of one school of scientists. In support of this contention any school child will remember to have read of the inhuman drubbings that travelers in frozen zones have been forced to alternately administer to each other in order to keep their human energies sufficiently aroused to prevent them from falling into a sleepy stupor that, in such cases, would be a sleep of death. And yet Peary, his Negro, and four Eskimos, according to his narrative, in spite of the teachings and experiences of frozen-zone travelers and scientists, hilariously and comfortably rolled along over more frigid ice fields than had ever been traveled by man before and retained all of their faculties, functions, and energies to a degree that enabled them to stop right at the pole without having taken a single observation in a distance of 130 miles of travel over an uneven, unknown, and unfriendly frozen sea, and then remain at and about the point of discovery for a period of about 30 hours taking observations in apparent comfort and ease. Gentlemen, I can not believe the story; can you?

It is also contended by scientists that the atmospheric conditions in and about the region of the pole are not of sufficient pressure or power to support a human being in an upright position, and yet Peary states that it was so exhilarating and bracing as to put renewed life and spirits in them, even to the extent of causing the dogs of the party to toss their heads, curl their tails, and emit howls of enthusiasm and satisfaction. [Laughter.] Can you believe the story, gentlemen? I can not.

We also have a school of scientists who contend that the North Pole is located in an open sea that never freezes over, and hence that the much-sought spot must be reached in a boat of some description or an air machine of some character.

Another school of scientists insist that the thing that they call the "North Pole" is a hole that extends into the interior surface of the earth, and their reasoning about the matter is as sound as that of another school that tell us that Mars is full of canals that were dug by human hands and that the nights in Saturn are seven years long. Ah, gentlemen, we can not afford to pin our faith to all of the mythical contentions and bogus discoveries of theorizing scientists and fake explorers. If we do, we will soon be as crazy and unreliable as many of them are. Only a few days ago I read in a paper where a cer-

tain scientist had estimated that there were an even billion stars in the heavens, and that it was his purpose to count them. When we consider the great failure one would make in counting the dots on wall paper in an ordinary room, without making a mistake in the counting, unless a mark was placed on each dot as counted, we can understand what a fool's errand it would be to undertake to count a billion stars in the sky without making a mistake, and we know that only a crazy man would undertake such a job. [Laughter.]

Scientists tell us that such mighty mountain chains as the Rocky Mountains of our own country are nothing more nor less than volcanic upheavels of the earth, but common reason teaches that they are as much a part of the original creation as Mount Ararat, upon which Noah's Ark was permitted to rest; Mount Sinai, upon whose lofty heights was sung, by stainless lips, that grand refrain "Peace on earth, good will to man;" and the mighty Vesuvius that has been spitting forth fire and lava to the annoyance and destruction of mankind for centuries; and certain schools of them tell us that man does not possess a soul, that they have examined cadaver after cadaver and have not been able to find a soul case, and hence they reason that if the soul is the most important part of man there must be some place that can be found in the body in which it rests, and that the failure to find a lodging place for it is positive proof that none exists.

I insist that to accept such scientific teachings as that as true would either run us all crazy or convert us into a vicious set of murderers, grafters, and fakers, for, without the belief of the existence of a soul there would be no hope of a future reward and hence no incentive for living a correct life. I have enumerated a few of the many doctrines taught by scientists for the purpose of showing that we can not afford to pin our faith to all of them absolutely, and yet I find as much in them to pin faith to as I do in Scientist Peary's narrative of his discovery of the pole.

He and his friends were loud in discrediting Dr. Cook's story of the discovery of the pole and denounced him as a faker and his story as a "gold brick," and yet there are many damning coincidences in the stories told by each of them in regard to their alleged discoveries. Both of them had attempted to reach the North Pole before, and each of them on their last attempt positively asserted that they would discover it that time. There was nothing in their previous attempts to discover it that entitled them to express such confidence in the result of their last exploration. When each of them were well up toward the pole they got rid of their white companions, and when they had gotten rid of their white witnesses they greatly increased their progress. They both say that the pole is a sea of ice, and they both made the same statements in regard to the pole, even to the peculiar color conditions surrounding it, and further, they confirmed each other in every particular as to the smoothness of the ice and the ability to travel rapidly after their white witnesses were gone. When all of these coincidences are considered together they must be accepted as impossibilities, unless it is conceded that they both reached the goal. It is more reasonable to believe, however, that when they were on their polar expedition together that failed, that it is possible, and even probable, that after their failure they discussed the practicability of an explorer freeing himself of white witnesses who could and would dispute him and claim the discovery of the pole without a reasonable possibility of the fake ever being found out than it is to believe that they each discovered it. Gentlemen, do you believe that either of them discovered it?

Cook, after exposure and reflection, has admitted that he may have lied about it, and it is the consensus of opinion of a large body of American citizens that the most manly thing left for Peary to do is to follow the example set by Cook, just as he coincidentally paralleled the story told by Cook. But since he has failed, up to this time, to follow Cook's example, let us casually review his journey, as told by himself, and see what we can get out of it that will help us in our efforts to render a righteous verdict in his case. After reaching the land of the Eskimos he gathered up a number of natives and dogs to assist him in his discovery and proceeded to Cape Sheridan, where he abandoned the ship after a winter's rest, and commenced his overland journey to the pole, accompanied by 6 intelligent white men, who could take observations and make soundings, and 19 ignorant Eskimos, that he said would walk through hell if he told them to do so, and a negro tool that he characterized as being as submissive to his will as the fingers of his own right hand.

Peary states in his book that on April 1, 1909, Capt. Bartlett, having traveled northward with him from Cape Columbia toward the pole, reached latitude 87° 47', and that thereupon Capt. Bartlett turned back and returned to Cape Columbia. In

the same book Peary proceeds to say that after Bartlett turned back he himself, accompanied by the Negro, Mat Henson, and four Eskimos, traveled about 130 nautical miles toward the pole, and that he traveled that distance in about five days, ending at about 10 o'clock in the forenoon of April 6. At that time he stopped and made a camp, which he called Camp Jesup, and before taking any observations he "reckoned" that he was in the neighborhood of the pole. Thereupon he says, on page 207 of his book, that—

At approximate local noon of the Columbian meridian I made the first observation at our polar camp. It indicated our position as $89^{\circ} 57'$.

This quoted statement is open to criticism, because no observation taken a few miles from the pole on April 6, 1909, could furnish any reliable foundation of ascertainment of latitude unless that observation was taken at the local noon, or some other definite point of local time. Mr. Peary's statements assume that he was on the Columbian meridian, and assume that "approximate local noon of the Columbian meridian" was near enough for practical purposes of observation and calculations.

But both of those assumptions were quite unjustifiable. Any observation taken in the polar regions at "approximate local noon" may vary so much from local noon as to vitiate the result. But Peary's assumption that he was on the Columbian meridian is a still more serious error, unless he had some means of knowing that he was on the Columbian meridian. And it appears in his book that he had no means of knowing that fact; and it also appears that he was, probably, not on the Columbian meridian at Camp Jesup. His assumption that that camp was on the same meridian as Cape Columbia implies that it was exactly north of Cape Columbia. But this implication has no foundation whatever in Peary's book. That portion of his journey between Cape Columbia and Camp Jesup, which occurred after Bartlett turned back, about 130 miles south from Camp Jesup, was made in broad daylight, for the sun never sets in that portion of the polar sea at any time during the months of April, May, June, July, or August, and the moon was below the horizon of that portion of the polar sea during the first week of April, in 1909. There was, therefore, only two conceivable guides which Peary could use to guide him from the point where Bartlett turned back directly to the North Pole. One of those guides would consist in making frequent observations upon the sun and the other would consist in following the guidance of the mariner's compass. But the mariner's compass in that portion of the polar sea would never point north. It would point somewhere between south and southwest, because it would point toward the magnetic pole, which is in that direction from that region. But this pointing of the mariner's compass to the magnetic pole would continually vary between south and southwest as Peary traveled northward from the point where Bartlett turned back; and he could not know the degree of that variation at any particular time without knowing how far north he had traveled since he last consulted the compass, and without also knowing whether during that part of his journey he had unintentionally varied east or west from the due north course. For this reason the mariner's compass would not constitute a reliable guide as to what course to take in traveling northward from the point where Bartlett turned back toward the pole.

The only other conceivable guide to follow in trying to travel directly north would be observations of altitude of the sun above the horizon, or below the zenith of the sky, from time to time during the five days that he was traveling northward. But any observed altitude of the sun would not guide Peary to the latitude of his point of observation without first guiding him to the longitude of that point, because the time in the local day would depend upon the local longitude, and because the true latitude occupied by the observer could be learned only by deduction from the true time of the local day. In the region Peary was traversing the sun is higher at noon than it is at 10 o'clock of the local day, as it is in other regions of the earth, and therefore no calculation can be based upon its altitude at any particular moment, unless the observer knows at what particular local time he is making the observation.

Now, it appears in Peary's book that on his way north, from the point where Bartlett turned back to Camp Jesup, he took no observations whatever with a view of ascertaining the longitude and thereby to ascertain the local time. On the contrary, it appears that he simply assumed that, whenever he took an observation, he was exactly north of Cape Columbia, and that when his chronometer, which was set to the time of the Columbian meridian, indicated noon it was also noon where he was. On that gratuitous and unfounded assumption he appears to have taken observations of the sun at 12 o'clock, according to his Columbian chronometer, and then gratuitously

assuming that the sun was at its highest point above the horizon he calculated what his altitude was at the time of taking that observation without bothering his mind about longitudinal observations at all.

It results, therefore, from the foregoing explanations, that Peary did not and could not travel directly northward from the point where Bartlett turned back, for he utilized no means whatever of knowing which way to walk over the ice to reach the pole from that point. He was therefore as likely to travel along a line which, if extended, would take him to the Eastern Hemisphere 10, 20, or 30 miles to the right of the pole, or to travel along a line which, if extended, would take him 10, 20, or 30 miles to the left of the pole, as he was to travel along a line taking him direct to the pole. And if he should happen to travel along the wrong line and travel 10, 20, or 30 miles, and then happen to "reckon" that he was out of the proper track and deviate therefrom to correct his error, he might deviate in the right direction or he might deviate in the wrong direction.

On the whole, if it is assumed that he did reach, in five days, a point about 130 nautical miles north of where Bartlett turned back, it is absolutely certain that he did not and could not travel that distance in a straight line, and the deviations from directness which must have characterized that journey must have increased its distance from 130 miles on an air line to a much greater distance, and that much greater distance may have reached 150 or 175 miles, or perhaps 200 miles. Thus the difficulty which has always existed in believing that he traveled in five days 130 nautical miles northward from the point where Bartlett turned back is much increased by this explanation, so that whoever believes that Peary reached $89^{\circ} 57'$ at 10 o'clock in the forenoon of April 6, 1909, must also believe that he traveled at least 30 miles a day, and perhaps 40 miles a day, on the average, during that time.

Now, in view of the fact that no other Arctic explorer in history ever traveled even 100 miles over the polar ice in five days, and in view of the fact that Peary was unfortunately disabled by the absence of all of his toes, except the little-toes, from making great speed across the ice of the Polar Ocean, it is very difficult to believe that he did during those five days travel over that ice nearly twice as fast as anybody else ever did. The only view upon which such a belief could possibly be founded would be upon the theory that Peary did not personally walk much of the time, if at all, during these five days, but was simply hauled upon one of the sledges driven by Mat Henson and the Eskimos. But that view is met by the fact that he states in his book that he walked much of the time, and, indeed, that he led the march after Bartlett turned back.

It appears in chapter 32 of Peary's book that after taking his observations "at approximate local noon" of the Columbian meridian time at Camp Jesup, of April 6, 1909, he turned in for a few hours of absolutely necessary sleep, but that he was awake again at 6 p. m. of Columbian meridian time, when, however, he was prevented by clouds from taking any observations. Thereupon he took two Eskimos and, without Henson, "pushed on" an estimated distance of 10 miles. At the end of that trip he says that he took a series of observations at midnight of Columbian meridian time, and that those observations indicated that he was then beyond the pole.

This statement implies very plainly that Peary passed from the Western to the Eastern Hemisphere during that 10-mile trip, and was, therefore, on the opposite side of the pole from Camp Jesup. But it is an open secret that the scientific gentlemen who have made friendly computations in behalf of the National Geographic Society from Peary's recorded observations have found that the observations which he says he took at the end of the 10-mile journey indicated that the point was in the Western Hemisphere and was farther away from the pole than Camp Jesup, being southwest therefrom. Therefore it plainly appears that Peary did not know at Camp Jesup what was the true direction of the track which he had traveled shortly before reaching that point. He evidently supposed that that backward trail extended from Camp Jesup directly to the south, and that if he took his 10-mile trip in the opposite direction he would cross from the Western to the Eastern Hemisphere at or near the pole. But it now appears that the attempt he made to extend his 10-mile track in the same direction resulted in his traveling toward the southwest instead of toward the pole. And if we assume, as we apparently should, that the 10-mile trip from Camp Jesup was taken on a line with the trail by which Camp Jesup was reached we will see that that trail did not come from the south, but from the northeast. The only way to reconcile the various statements made by Peary and deduced from the figures by his friends is to assume that after Bartlett turned back he wandered over that portion of the polar ocean which has a diameter of about 260 miles, with the

pole at the center, without knowing where he was at any particular time, and that at the end of this wandering he happened to make a camp within about 3 miles of the pole. But nobody can know how far that camp was from the pole, except upon the basis of the figures which he had put down in his notebook of the apparent elevation of the sun at a time which he gratuitously assumed to be "local noon," but which may have been 10 o'clock or 11 o'clock before local noon or 1 o'clock or 2 o'clock after local noon, so far as Peary knew or could know. This total uncertainty of the local time when he took his observations at Camp Jesup quite vitiates any records he made at that time of the apparent elevation of the sun.

The expert who deducted the latitude from those figures and testified before the Naval Affairs Committee to its calculation and result may have made his calculations correctly, but he could not know that the basis of his calculations were correct, for Peary did not present to them any evidence of the local time at which he made his observations. Of course, it is difficult for any observer, no matter how skillful he may be or what instruments he may have, to ascertain local time at any point 50 or 100 miles from the pole. But the difficulty of proving any particular proposition can not be invoked as a substitute for proof of that proposition when it is necessary to know the truth of the matter. The necessity to ascertain local time in order to ascertain latitude or longitude 50 or 100 miles from the pole does not apply to the recognition of presence at the pole itself. If an observer were to reach that point upon the earth's surface, there is a method by which the fact of such presence could be positively proved without paying any attention to local time, and, of course, without paying any attention to longitude. That method would consist simply in measuring the shadow of a man every 2, 4, or 6 hours during any 24 hours of clear weather, by reference to any chronometer set to Columbian time or to any other time. If this method were to be pursued at the pole, all the shadows throughout the 24 hours would be almost exactly of equal length, though mathematically the length would vary slightly and gradually diminish in April from time to time during the 24 hours.

If Peary had been at the pole on April 6 and 7, in 1909, all he had to do to enable himself to afterwards prove that fact to the world would have been to have had Henson stand at a particular place on the ice at 6 p. m. of April 6, according to either of his chronometers, and again six hours later, according to the same chronometer, and again six hours later, according to the same chronometer, and once more at 6 p. m., according to the same chronometer, on April 7.

If he had done so, he could have measured Henson's shadow with a rope, or anything else that would neither contract nor expand, and having ascertained that all four shadows were almost exactly of the same length, he would have known that he was at the pole. Then he could have made a record of that transaction and explained it to Henson, and have shown the record to him, and then, when they returned to the United States, they could have corroborated each other in verifying the record by telling that simple test. If Peary had used that test with that result, the whole world would have been convinced of his presence at the North Pole, because that is the only spot on the surface of the globe where the shadows cast by an upright body, from time to time during 24 hours, would be of almost exact equal length, except that the same condition would be true at the South Pole in October, but not in April.

Mat Henson is said to be a fairly intelligent colored man, but Peary does not claim to have said or shown him anything in the vicinity of the North Pole which would enable Henson to corroborate or contradict anything Peary reported relevant to his latitude at any particular time or relevant to his presence at the pole at any time. Every man who asks a court to accept his version of any question of fact is required by law to furnish the best available evidence to support his contention. And if he asks the court to decide the issue in his favor from his own uncorroborated statement, when the circumstances are such that corroboration is practical, if his statement was true, the absence of corroboration weighs heavily against his contention.

Peary's alleged presence at the North Pole in April, 1909, is unsupported by any evidence whatever, except his own statement that certain observations on the sun on April 6 and 7 were correctly recorded in his notebook. That statement does not amount to evidence, because it is only a self-serving statement made by a man in his own behalf, and also because, even if the observations which he made were correctly recorded in his notebook no man can deduce his presence near the pole from those observations for the simple reason that he did not take his local longitude into account at all nor have any means of knowing the local time at which he took any observation whatever.

Again, referring to the friendly computations recently made by the gentlemen in behalf of the National Geographic Society, from Peary's recorded observations, it will be observed, from the hearings recently had by the Naval Affairs Committee, that they were made by a Mr. Duvall, but were presented to the committee by Mr. Hugh C. Mitchell, who claimed to have verified them after Mr. Duvall made them, and who claimed that the observations furnished by Mr. Peary, from which the computations were made, could not have been made in Washington, New York, or Boston. But it will be observed that before Mr. Mitchell was allowed to make his statement before the committee in regard to the computation of the observations, Mr. O. H. Tittmann, a member of the committee of the Geographic Society, who passed upon Peary's proofs and stated that his observations could be faked in the city of Washington, had to stand sponsor for Mr. Mitchell; and hence I am inclined to think that an unbiased person can not afford to give much credit to the statement of Mr. Mitchell when viewed by the fact that Mr. Peary's friends upon the committee would not permit him to be heard until he had been vouched for by Mr. Tittmann, who had stated before the same committee that Peary's proofs could be faked. It will be borne in mind that the computations presented by Mr. Mitchell must have been made at least 20 months after the alleged discovery of the pole was said to have been made and therefore must be received in the light of an afterthought, and we all know what "afterthoughts" mean when they are used for the purpose of supplying something that was lacking in the original.

Mr. Mitchell was cautious enough to say, however, in response to a question as to whether it was possible to have made the figures embraced in the observations submitted by Peary in Washington, New York, or Boston, that that was a matter of opinion, but that he believed all men who had had much experience in computing would agree with him that such things could not be faked. He admitted that Peary's observations were imperfect. In fact, stated that there was no such thing as perfect observations, but stated that if he had enough inaccurate observations he could figure out correct observations. Such statements, I am sure, will not appeal to anyone who thinks for himself, unless the degree of inaccuracy of the observations is known. In fact, Mr. Mitchell's testimony from start to finish indicates rank presumption and wild guesswork concerning everything he did in connection with the computation of the observations submitted by Peary. He even guessed at the time of the chronometer that Peary had with him at the pole when he knew that "time" at that point was the most material feature connected with the observations made during the 30 hours that Peary claims to have been at the pole. He contended that he had found Peary's time at the pole in face of the fact that experts had examined the chronometer before Peary left New York and predicted that it would run slow, but when returned to the same experts for examination, after Mr. Peary's return, it disclosed that it had actually gained time. And yet, upon such guesswork, wild speculations, and unreasonable assumptions, we are asked to find that Peary was at the pole according to the computations of Mr. Mitchell. No; I will not say "at the pole," because, with all of his guessing, speculations, and assumptions, he could not get him nearer than $1\frac{1}{2}$ miles of the pole.

I am advised that in order to obtain correct observations at or near the pole the time must be accurate and that the sun's altitude must be correctly fixed, and that such timepieces as Peary carried under ordinary conditions were not correct enough for ordinary observations, and that in the Arctic the conditions are extraordinary; that the instruments for weeks are thrown about upon the rough trail of pack ice and that the delicate mechanism is subjected to temperatures ranging from that of the body, at plus 98° F., to 75° below the freezing point, a change of over 100° F., that under such conditions the expansion and contraction of metals render accuracy impossible, and hence any pretended ascertainment of time at the pole after a journey of over 400 miles over a rough course of ice and a hard climate would have to be based upon the wildest kind of a guess. With the guesswork time that Peary claimed to have had with him at the pole he claims to have taken some of his observations when the sun was less than 7° above the horizon.

The CHAIRMAN. The Chair desires to notify the gentleman from Arkansas that he has consumed one hour of his time. He may proceed.

Mr. MACON. Thank you. Well-informed navigators insist that observations of the sun when less than 7° above the horizon, under the best of conditions, in temperate climates where centuries have taught us rules for correction, can not

be considered seriously. It seems that in the Arctic this problem assumes a still more serious aspect.

The temperature is low and the air, over a moving sea of ice, is charged with frozen humidity, and the atmosphere is also arranged in stratas of varying temperature and density, all of which so distorts the sun's rays that no correct allowance can be made for refraction, and it is insisted that this is not a matter of slight inaccuracy, but can be a matter of degrees. Therefore, because of imperfect time and unknowable refraction, we can not regard observations of the sun as being of value in proving a position on the polar sea. It is insisted that if an observer is far enough north to have only 7° for a meridian altitude of the sun, that it is impossible for one to get his horizon. They contend that his visible horizon is obstructed by land or hemlocks of ice, or both, and, of course, is useless and that he can not bring an artificial horizon into play with a 7° altitude, for at such an angle he would only get a streak of light across it, but that he would have to have an altitude of 17° to 20° to get a true reflection of the sun's disk under favorable weather conditions. Thus it will be seen that with guesswork time any observations taken at such low altitude as Peary claims to have taken his, renders them within the impossibilities.

Explorers, navigators, and scientists also contend that latitude observations on the sun can be manufactured and can not be detected unless there should be a contradiction or an error in the distance traveled between stations, but that a reasonably shrewd person could adjust the distances so that they would tally with the observations. They also contend that the admiralty chart shows that at Cape Columbia the magnetic needle makes an angle of 136° with the true north, and that this may vary as one moves toward the pole, and hence it would be impossible to use the needle with any confidence unless its variations were tested on the way, and that if the tests were made by the sun at midnight an error of the chronometer would give a wrong direction. Therefore, when we consider the contentions of these men of learning and experience, how unreasonable it is to ask the public to believe that Peary's reports of his straight and rapid travel to the pole, of his observations and soundings, are of such a character as to carry conviction of his discovery of the pole.

Let us pursue his so-called proofs a little further and see what we can find in them that has not been disclosed.

He states that he remained around and about the pole from 10 a. m. of April 6, 1909, until 4 p. m. of April 7, when he began his homeward journey; that he took a number of observations while there; that the weather during his stay at the pole was calm and cloudless, but two pictures of the flags that he hoisted while there, that appear on pages 284 and 290 of his book, contradict his statement as to the calmness of the weather, for they appear to have been struck by a gale, and those that appear on page 298 contradict his statement as to the clearness of the weather, for they appear to have been taken when the sky was overcast by clouds.

His statement as to conditions being "calm and cloudless" are significant when we consider the fact that it was necessary for them to be so if any scientific value is to be attached to the observations that he claimed to have made. But of all the remarkable and impossible things that he claims to have done seems to have been done "between sleeps," while he was at or near the pole. He says that after taking an observation at noon on April 6 he took a short nap, as he was immensely fatigued, but could not sleep long. At 6 p. m. of April 6, same day, he was up and out again. After this sleep he says he went 10 miles beyond the camp, reaching there at midnight, where he took observations and returned to the camp again at 6 a. m. of April 7; thence started out again 8 miles toward the right and returned in time to make a noon observation and to start back for land at 4 p. m., taking a sounding of 1,500 fathoms, and reaching camp 26 in good time on April 7. This is reckoned by explorers and navigators to make a total distance of 72 miles traveled between sleeps, which is equal to 82.8 statute miles, and, allowing 10 per cent for detours, and so forth, would make 91.8 statute miles traveled between sleeps, when, according to his own statement, he was so fatigued the day before that he could not sleep very much, and it must be understood that, while doing this, he alleges that he stopped long enough to make 13 observations and an attempted sounding of 1,500 fathoms. Is it possible for anyone to believe that a human being could travel over a distance of 91.8 miles, over broken fields of ice, make 13 observations, and make a sounding of 1½ miles deep between sleeps? I insist that such a thing can not be done, and no one who has any knowledge of the limitations upon human endurance will for a moment contend that it can be done.

There are some things that we can not afford to believe; if we do, it would be a reflection upon our intelligence. For instance, if a hundred witnesses were to swear that they saw a man stand flatfooted and leap over the Capitol Building we would know at once that the testimony was false because the feat would be a physical impossibility. If I were to walk into the House some morning, just as the Speaker rapped his gavel for order, and inform Members that I had walked to Baltimore and back since breakfast, and were to exhibit a copy of the Baltimore Sun as proof of my statement, no one would believe it because they would know that the act was a physical impossibility, and so when Mr. Peary says he traveled the great distance that he did between sleeps, made 13 observations and a sounding of 1,500 fathoms, we at once know that it could not be true because such a thing would be beyond human endurance and accomplishment. Time will not permit me to dwell at length upon this man's wonderful traveling record, so I will have to call attention to the strange facts of his wonderful speed of travel from the very day that Capt. Bartlett left him until he returned to the same point and thence on to Cape Columbia, when he was traveling over unknown ice seas with his negro valet, whom he said was as submissive to his will as the fingers of his right hand, and the four Eskimos, that he declared would walk through hell for him if he told them to do so, and then cite a few instances of polar travels made by other explorers and leave that part of his case with you to be settled as, in your judgment, may appear to be right as between the people you represent and a self-alleged discoverer who has furnished nothing of a substantial character in connection with his discovery that is really worthy of being called proofs.

According to his own writings upon the subject, he traveled to Cape Columbia from the point where Bartlett left him, a distance of 281 miles in 31 days, or an average of 9.6 miles per day. This was not as good an average as was made by Dr. Cook in the same latitude, he having traveled 15.3 miles per day. The most remarkable part of Mr. Peary's statement, however, is the number of miles he said he traveled every day after Capt. Bartlett turned back, when no white man was with him to witness his feat, his only companions being the negro, Mat Henson, who served him for 20 years in the capacity of a servant, and the four Eskimos just mentioned, and, strange to say, all of his greatest marches were north of the Bartlett Camp over a territory that, according to his statement, no man had ever traveled before. He claims that in going to the pole and returning to Cape Columbia, a distance of 545 miles, he made an average of more than 26 miles per day for five days, or until he reached the pole, a distance of 132 miles from the point where Bartlett turned back; and 44 miles per day from the pole back to Bartlett's camp, or, to be specific, 132 miles in three days and more than 24 miles per day for 16 days from the pole back to Cape Columbia, a distance of 413 miles, the latter being almost three times as great an average as he made with his supporting parties. The last three days of his travel of 132 miles from the pole to Bartlett's camp he says he made 44 nautical miles per day, or over 50 statute miles, not counting detours, and so forth, and that was done at the end of a fatiguing journey of 545 miles. An important question to be considered here is: Could the dogs, in their fatigued condition, haul loaded sleds of more than 500 pounds weight for so great a distance for so many days in succession over a rough and badly ridged field of ice? Consider the impossibility of making such great speed under such adverse circumstances.

It is much more reasonable to believe that instead of Peary going to the pole and back, a distance of 264 miles, that he actually turned back at Cape Columbia the day after Bartlett left him. If he had done so, he would have had 21 days at his disposal to make the trip to Cape Columbia in and to make the trip back to Cape Columbia in 21 days, which took him 31 days on his outward march, he would have to travel 13.3 miles per day, or an average of more than 4 miles per day greater than he made over the same latitudes going north. It is much easier to believe that he did turn back than it is to believe that he traveled north five marches after Bartlett left him, or eight marches north and south, which brought him back to the same point, when compared with anything heretofore recorded in polar history. There were only two days in all of Dr. Cook's marches in which he made as much as 26 miles per day, and one of them was the day he started from land, on March 18, when he and his dogs were fresh, and then he only made 26 miles, and the other was on March 21, when he made 29 miles by traveling 14 hours. Every condition being favorable, he made a forced march of 14 hours and covered a distance of 29 miles for one day only, as compared with an average of 44 miles per day made by Peary in three successive days of less than 14 hours. It was reported that Cook fell asleep while his igloo

was being built after his 29-mile march, which indicates that the limit of human endurance, under exceptionally favorable conditions, over an ice field had been reached.

When Cook returned from his search for the pole and reported that he had discovered it and that in doing so he had traveled as high as 24 miles a day over polar ice, it is stated that Admiral Melville gave out an interview to the press stating that 24 miles a day over polar ice was an impossibility, and yet when Peary reported a much greater average than Cook had claimed to have traveled, this same distinguished gentleman congratulated Peary upon the great average that he had made and upon his discovery, but he did not possess that degree of decency that would naturally prompt him to apologize to Cook for the criticism that he had passed upon his claim of speed.

Peary's report, to the effect that he could only make 9.6 miles per day, on an average, with his ideal equipment, consisting of plenty of dogs and sleds in splendid condition, with an abundant supply of good food and a party of companions unequaled in arctic history, with advance divisions to break his path and build igloos in which to sleep, so that at the end of each march he could instantly retire and rest, conserving his energy, is very convincing to my mind that that was about as great an average distance as it was possible for human beings to travel over a polar ice field for so many consecutive days; but as soon as he was left with his negro companion, Mat Henson, and the four Eskimos, with their own road to break and igloos to build, he says he averaged over 26 miles every day thereafter until he reached Cape Columbia, a distance of 545 miles in 21 days. Unless I have been misinformed, the editor of the National Geographic Society says that 4 miles per day is considered a fair day's average over polar ice, although Cagni made 7 miles.

George Kennan, in the Outlook, states that he believes that the highest record made by a sledging party in a single season was about 11 degrees, and yet Peary says that he made more than 9 degrees in 22 days. Gen. A. W. Greely, in his Handbook of Arctic Explorations, on pages 155 and 156, says McClintock, already famous as the greatest of arctic sledgmens, surpasses himself in a journey remarkable for its distance, duration, and success, consisting of 1,061 miles in 145 days, or an average of about 11½ miles per day. On page 182 of the same book he says:

Peary thinks he can travel 900 miles to the North Pole and return between February and June, which would be an average of about 7.4 miles per day.

On page 208, referring to Sverdrup, Gen. Greely says that—

Sledging conditions were favorable to the extent that they were unsurpassed in polar work and field service and unusually free from the usual privations and hardships of arctic journeys. The areas over which he traveled were free from pressure ridges, so that he usually made from 12 to 15 miles per day.

On page 230, he says, speaking of Lockwood:

The average daily travel to this point was 9 miles, the greatest ever made by man power in a very high latitude on an extended journey. It was within 2½ miles of the average attained 600 miles to the south over ordinary ice by the great arctic sledgeman, McClintock.

It therefore appears from the history of polar travels, just referred to, that from 10 to 12 miles per day on the average is considered the limit of human endurance on a journey over polar seas, unless Peary and his Eskimo and Negro witnesses, who claimed to have traveled a distance of 545 miles, not including detours from a straight line, eclipsing every known record and averaging more than 26 miles per day, can be considered as much superior to other human beings of their day and time, as Sampson is reputed to have been superior to those of his day and time.

When one seriously thinks of Peary's claim of having walked a distance of 545 miles, over slippery ice and yielding snow, averaging about 26 miles per day, and on three of the days an average of 44 miles, with four Eskimos and a Negro, bundled up in Arctic clothing, with their feet loaded down with snowshoes weighing about 4 pounds each, it is simply astounding. It must be remembered that these are nautical miles and on a straight line from point to point.

If any detours were made or pressure ridges climbed, they should be added to the distance to the pole, as well as 15 per cent for statute miles, which would carry them up to almost unbelievable figures. In view of Peary's astounding claim of speed, it appears necessary to closely examine his records in connection with them and to note the difference in the language used, the different style employed by him in his narrative from the day Bartlett left him. He seems to have been possessed with that "potent charm" that he claims to have followed him on his journey. On the day Bartlett turned back he had a little talk with himself as he walked to and fro, and made the prophecy, with remarkable intuition, that he would reach the pole

in five marches, arriving there before noon, and would spend that afternoon in making observations, which he afterwards reported to have done to the very hour. It could not have been the smooth ice and snow that prompted his prophecy, for he says that—

The floes were large and old, hard and clear, and were surrounded by pressure ridges, some of which were almost stupendous.

If the ice floes were large and old, hard and clear, and surrounded by pressure ridges, some of which were almost stupendous, how was it possible for him to have prophesied that he could travel over such an uninviting field at an average of about 26 miles per day? Gentlemen, do you believe him when he says that he lived up to the prophecy to the very hour?

After the attention of Peary's friends had been called to the extravagant distances claimed to have been made by him they undertook to justify his contentions by singling out other sledge trips that had been made under different circumstances and conditions to be used in comparison with his, and consequently in justification of his claims, but in making comparisons for the purpose of arriving at the truth as to the rates of speed made by Peary marches should be compared with marches, distances with distances, averages with averages, geographical miles with geographical miles, statute miles with statute miles, and conditions with conditions.

To mix these indiscriminately and skilfully, without regard to the truth, is to confuse the mind and becloud the matter under consideration. His friends, in trying to bolster up his position and becloud the subject, used marches in their descriptions when convenient, hours when more convenient, and they compare statute miles with geographical miles, and they compare empty sledge trips over beaten tracks on land or across bays adjoining lands, with those of Peary over frozen ice floes. Everyone knows that with an empty sled, on beaten roads, with plenty of rested dogs, a vigorous driver with a whip, rushing along at a gallop, enormous speed can be made on a single trip, if it is not too long. They refer to several trips between Cape Columbia and the Roosevelt, but all of these are measured by statute miles and are made with empty sleds on beaten tracks, and hence can not furnish an honest comparison to the trips made by Peary over an arctic sea. In order to understand the comparisons they made between Cape Columbia and the Roosevelt, it must be understood that during the autumn months, when the Roosevelt was a prisoner in the ice, they had to exercise and train the dogs, and also the men, to gather up food. Hunting excursions were frequently made, too. The stores for the polar dash were, during this time, placed at Cape Columbia, six depots being established for this purpose, averaging 15 miles apart. The sledges returned to the Roosevelt empty. What sport was indulged in on these trips, what racing contests were had, and what speed made can only be imagined. Perhaps the friends of Mr. Peary have this information, but the public has not. Another one of the unfair comparisons used by his friends is to be found on page 304 in Peary's Nearest the Pole. He states that he had learned of the desertion of one of his men on arrival at the camp, and knowing it to be essential to prevent a recurrence of this kind, he pushed on to Cape Wilkes, camped, and turned in after a 25-hour day; slept three hours, and then started with an empty sledge, eight picked dogs, and an Eskimo driver to overtake his man.

He says that he was found at Cape Louis Napoleon, and, after receiving a lesson, was taken back with him to the ship. He says that the distance from Cape Wilkes to the "windward" was 60 nautical miles—as traveled by him along the ice and across the bays, not less than 90 statute miles—and the distance was covered in 23 hours and 20 minutes in actual traveling, which was equal to 3.8 statute miles per hour. Thus it will be seen that with an empty sled, eight picked dogs, an Eskimo driver, in a race of 23 hours and 20 minutes after a deserter, is used to illustrate "one march" in a comparison with Peary's marching over polar ice on foot near the pole. Is this comparison a fair one, even though it shows only about one-half as fast traveling as Peary claims to have made near the pole? Is this an honest endeavor on the part of Peary's friends to disclose the truth covering a mystery of international interest? It will be strange, indeed, if you gentlemen do not discern the unblushing masquerade that they are attempting to deceive the people with, when they are really hungering for the truth. They publish to the world, after such unfair comparisons, that Peary actually traveled in three days, on leaving the pole, 132 nautical miles, or 44 miles per day, or 50.6 statute miles per day, as a minimum distance on an air line, not allowing a hair's breadth diversion, and if an estimate of 10 per cent is added thereto for detours, diversions, ascensions, and descensions over uneven surfaces, it would make 55.6 statute miles per day. But the most ridiculous extremes to which Peary's friends have

gone in the matter of making comparisons of other sledge journeys with those claimed to have been made by Peary is where they make use of distances made on mail routes in Alaska, where the dogs were either rested or exchanged at convenient intervals, as horses used on the old stagecoaches in this country years ago were rested or exchanged at intervals, and those made in dog races in Alaska, and the gentleman's recent feat of walking 55 miles in three days, or marches, on a nice smooth pavement or gravel road in the District of Columbia. Such comparisons are really too ridiculous to even be repeated, but I thought that Members of the House ought to have the benefit of them in arriving at the real truth of this matter.

Peary's report of his soundings, that the National Geographic Society said they considered in connection with his discovery of the pole, is about as ridiculous and unbelievable as his alleged speed of travel. As stated before, he did not take a sounding after he passed 85° 23' on his trip north. He reports to have attempted to make some, but they were not successful. The most absurd attempt, however, he claims to have made was upon his return march, 5 miles south of the pole. He claims to have used a wire twenty-eight one-thousandths of an inch with a weight of 14 pounds at the end of it and to have made an attempted sounding of 1,500 fathoms, 1½ miles deep, in the Arctic Ocean with an April current to contend with. Do you not think it pertinent to inquire of the scientific board that passed upon his proofs as to what scientific value they could possibly give to a sounding of 1½ miles in an April current with a wire of the dimension of twenty-eight one-thousandths of an inch and a weight of 14 pounds at the end of it. The chances are that the wire would be as nearly horizontal as perpendicular, for the current would sweep such a weight in that depth of water along until it would, perhaps, extend far out under the ice; and, to my mind, the fact of the wire having broken, and his having lost both wire and weight as he attempted to reel it in demonstrates in an important degree that the wire, instead of going down perpendicularly, was swept by the current in a horizontal degree under the ice and that in attempting to reel it in the ice caused it to break. Navigators inform me that such a sounding as he claims to have made at this point would, to an ordinary navigator, be valueless, and yet this naval officer of 29 years' experience has submitted it to the confiding world in the interest of science. The gentleman must have had some doubt of its efficacy himself, for in submitting his report to the Government upon it he said:

If such request is permissible, I will respectfully request that this profile and complete set of soundings be not published at present.

He must have considered them absurd and valueless himself or he would not have attempted to impose an injunction of secrecy upon them. Ah, gentlemen, in all seriousness I ask, What proofs has Peary furnished that would justify Congress in proclaiming him the discoverer of the North Pole that could not be furnished from Washington, according to Messrs. Gannett and Tittmann, two of a subcommittee of three of the National Geographic Society that ascertained that he did discover it? If Peary had made a complete sounding, which he did not do, or had discovered land, which he did not do, according to his own statements, these would have been facts subject to review by future explorers and the truth in time be known, but as the matter now stands he has not furnished a particle of proof of his discovery that could not be faked right in Washington, according to Messrs. Gannett and Tittmann.

It is true that after 20 months of waiting and preparation the Committee on Naval Affairs were furnished with a re-computing of the records of his observations, but I am advised by explorers, navigators, and scientists that that would be no evidence of where he had been if the computations were found to be correct. I am advised that his instruments are not evidence of his having reached the pole; that his story, which could have been written at Bartlett's Camp or on the *Roosevelt*, can not be accepted as satisfactory proof of his having been to the pole. Then why all of the gentleman's pretense of secrecy about his proofs that he would not allow Congress to see until some "cashing in" arrangement had been made?

It has been argued by the friends of Peary that the three men who signed the report ascertaining that he did discover the pole were better qualified than any committee of Congress to pass upon the instruments used and records made by him, and that they certified to a waiting world that they had examined the instruments used and the records made and found them true.

May I ask who these three men are? Are they independent scientists, who dared to stake their reputations upon a falsehood, or upon a superficial examination of the facts? I insist

not. But they have dared to stake their reputations upon either a falsehood or upon a superficial examination of the facts and in view of the certain exposures that will be made of those matters by scientists, it is my belief that their findings will react upon them and that their places in history will be as humiliating as they will be certain and fixed.

According to Peary's statements before the Naval Affairs Committee, his movements after Bartlett turned back were as uncertain, unstable, and as unreliable as the wind. He took no observations except at or near the pole, and hence his every act or movement was based upon guesses and estimates. Everything seemed to be of a negative or indefinite character from the time Bartlett turned back until his final appearance before the Geographic Society in Washington, that passed upon his proofs.

He said that he did not remember to have told anyone of his discovery upon his return, except Bartlett, and I have heard of no one who ever heard of his having told Bartlett of it until he made the statement before the committee. Messrs. Gannett and Tittmann said that there was no evidence before them of his ever having told anyone that he had discovered the pole until he flashed his wire to New York to that effect, and that was only done after he had heard that Cook had reported, a short time before, that he had discovered the pole. Gentlemen will bear in mind that he insisted that this was the crowning glory of his life, the most important event of his existence, and yet there is no evidence, except his self-serving statement, that he had ever disclosed his discovery to anyone until after he heard that Dr. Cook claimed to have discovered the pole. He says that he met Mr. Whitney on his way home, but that he does not remember to have talked to him about his discovery at all and that he does not remember whether Whitney even asked him anything about it.

Think of it, gentlemen! This man had been engaged in the crowning act of his life and claims to have been successful, and he knew that Mr. Whitney, himself a sportsman and explorer, knew that he had been in search of the pole for nearly a year, and then, when he met him in an isolated land, where men would be only too glad to converse about the things that were nearest to their hearts, he does not remember to have even hinted at the matter to Whitney or whether Whitney hinted at the matter to him. Do you think that an act of an ordinary man in dealing with the supreme affair of his life?

He does not remember whether the National Geographic Society requested him to submit his proofs or whether he asked that they be considered by it; when it was agreed that he was to appear and submit them, he did not even remember what time of day he reached Washington; that he did not remember when or where he first saw the members of the Geographic Society; that he thought he saw them at Admiral Chester's house in the evening of the day he arrived in Washington, but did not remember who was there. He said that he thought he submitted his journal that he kept upon his trip to the society for its consideration, but that he did not remember whether any of them read it through or not. Messrs. Gannett and Tittmann stated that the reports they had before them when they passed upon his case were made upon independent slips of paper, and they did not remember to have seen any diary or journal. Peary stated that he did not remember when the committee examined his instruments, but that he thought it was done at night at the railroad station in Washington; but he did not remember to what extent the examination was made. Think of it, gentlemen! Do you think that if you were trying to have the crowning act of your life consummated that you would not have some definite knowledge about anything that was done in connection with its consummation? Do you really believe that this man knew nothing of a positive character about the matter, or, rather, do you believe that he was afraid to make a positive statement, for fear he would be flatly contradicted by others, and in that way his whole story repudiated to the letter?

The gentleman exhibited to the committee a little book that he said was the journal or a diary of his trip; said that he prepared it in his igloo each night before retiring, but he refused to leave the book with the committee, saying that it had never been out of his possession, and that he did not care for it to get out of his possession, and when one considers its clean appearance, after having made the long journey that he claims to have made, and under the trying conditions that he claims to have existed, and under the circumstances surrounding his opportunity for preparing and keeping it, no very great surprise could be felt as to why he did not want it to get out of his possession. He claimed that his chief food was pemmican, and that it consisted of about 30 per cent grease; that he held it with his hand when he ate it, and hence grease and smear must have been

left on his hand, and yet he prepared his diary with that hand and never made a single smear upon a single page of the entire book while he was doing it. Such a thing may have been possible, but I do not believe it.

It is much more reasonable to believe that he prepared it in some office after his return home than it is to believe that he prepared it in an igloo under the circumstances and conditions described by him. Another strange and unbelievable part of his narrative, as detailed in the hearings before the committee, was that he did not discover any current in the Arctic Ocean. From the description he gave from the many leads he encountered on his trip, caused by the parting of ice 20 or 25 feet thick, it was supposed that a current of water beneath the ice caused such a pressure as it swept along that it parted the ice and made the leads, but he insisted that the thick ice was parted by the wind; but full credit can not be given to that statement because of the discredit that he himself placed upon it by saying that when they were going to the pole they marked their track at intervals by placing tin cans upon ice ridges, so that they could readily see them on their return trip.

It is absurd to think that a wind that was strong enough to break ice 20 or 25 feet thick would not blow every can off of an ice ridge that it was possible for his party to place upon them, and not only blow them off, but blow them so far and in so many directions as to completely destroy their efficacy as guides upon the homeward trail. If his story about the wind being powerful enough to part the ice is true, then the story about the cans sitting upon ice ridges for several days unmolested by the wind can not be true. But in order to understand the significance of both stories it is necessary to know that the ice-parting story was told to overcome the suggestion of a current in the sea that would interfere with his making a sounding 1½ miles deep, and the story about the tin cans sitting upon ice ridges for several days was told to explain how it was that he could travel so rapidly on his homeward journey, they being used as guide posts, and in that way preventing any loss of time in a search for his trail.

I have given more time and thought to this alleged discovery than I have to any other public question that I remember to have undertaken to investigate in my whole life, and the more I have investigated and studied the story the more thoroughly convinced have I become that it is a fake pure and simple. There is an old saying that it takes many men of many minds to make a world, and in order to place a true estimate upon the acts of men it is necessary for us to take into account the different dispositions of the "many men of many minds" mentioned in the old adage. I have had some men to tell me that they believed Peary discovered the pole, because they could not understand how a man in his position in life would make a claim of having discovered it unless he had really done so. That kind of a statement presupposes that men occupying responsible positions in life always tell the truth about their achievements, but we can not afford to accept that kind of a supposition as a true guide about the acts of men, it makes no difference how important the position or how high the standing held by them.

In our own country we have had men in all stations of life to commit deeds that were damnable, and it seems that in many instances the more exalted the position or standing the more outrageous the deed. While time will not permit me to enumerate them, every Member upon the floor of the House can call to mind some case that has come under his direct observation where men have become so crazed with a desire to accomplish a certain end that they would resort to any act, commit any deed and deliver themselves of any utterance that would enable them to accomplish their desire. Benedict Arnold, who was loved and trusted by all Americans, who had never been suspected by anyone, turned traitor to his country for a commission in the British Army; Aaron Burr, who had an absorbing desire to be a ruler, after having been honored by a confiding constituency, attempted to divide the nation that had honored him with a Vice Presidency in an effort to accomplish his purpose of being at the head of a government; and only a few years ago a bright officer of the United States Army, who was entrusted with an important commission, robbed the Government of several millions of dollars and paid the penalty thereof by serving a term of years in the penitentiary, and so it can be seen that men occupying high positions of state and in society will sometimes do things that no one can account for until the deed is done. Peary seemed to have been possessed of an insatiable desire to explore the Arctic and, if possible, to discover the North Pole. For 23 years he has been roaming over the ice fields of the North, and his desire to accomplish his purpose apparently grew upon him as the years went by, and, in my judgment, he reached a point where he was determined to accomplish it at all hazards, and having arrived at that deter-

mination he set about to do it at any cost. He had made so many trips and had reached an age where he knew that what he did must be done, if done by him, in a short span of time, and hence he proceeded to make his arrangements to discover the pole—pole or no pole. So when he reached a point farther north than he had ever been before he deliberately rid himself of every witness who could or would dispute his claim of discovery.

He said that Capt. Bartlett had been very useful to him in many ways and that he wanted him to go farther north with him than any white man had ever gone because of the great assistance he had been to him, but that he did not want him to share the glory of the discovery with him, and hence sent him back and proceeded northward with only such witnesses as he said would walk through hell for him if he would tell them to do so, or were as pliant to his will as the fingers of his right hand. Thus conditioned, there was nothing to prevent him from loafing around in that region for a few days and then returning to the United States and proclaiming his wonderful discovery. He can not excuse his action of sending Bartlett back by claiming that he did it because he did not want him to share the glory of the discovery with him, because he knew that it was the Peary expedition that was making the exploration and that if he had had 1,000 men with him he would have received the crowning glory of the discovery. He knew that Columbus had discovered the West Indies and that he had quite a concourse of associates with him; and he knew that none of them shared the glory of the discovery with him. He knew that Amerigo Vespucci discovered the continent upon which we live, and which bears his name, and that he had a host of companions with him and that none of them shared the glory of his discovery with him. He knew that when Magellan discovered the straits that bear his name he was surrounded with explorers none of whom ever shared the glory of the discovery with him; and he knew that De Soto had a little army with him when he discovered the Mississippi River, but that none of them have ever been associated with him in that discovery, and hence I repeat that it will not do for him to say that he got rid of Bartlett because he did not want him to share the glory of the discovery of the pole with him. If that was his only excuse for turning Bartlett back, then he is a meaner man than I ever expected to see in this life. I can not understand the depth of meanness that one would have to possess that would cause them to treat a loyal and faithful companion as Peary treated Bartlett in order to keep him from sharing a small per cent of the glory of the discovery of the pole. I would not treat a dog that mean, much less a man.

Peary's mind can not, of course, be read, nor can it be interpreted how or why he decided upon the report that he has made upon the discovery, but certain conclusions can be drawn therefrom, and I will here present a few of them for the consideration of the House.

Before Bartlett made his last march nearly every day's report indicated a serious condition in the ice movements, conditions in some respects not unlike those he found in the voyage previous, when he was obliged to turn back, resolving to make another attempt later; but this trip, as he has often said, was to be his last, win or lose.

But he sees clearly that to proceed much farther would be massacre. The distance yet to travel is 133 miles to the pole and 413 miles from the pole back to Cape Columbia. It is the 1st of April; whatever speed has been made to this point under so many favorable conditions can not possibly be expected henceforth.

Remembering that 4 miles per day is an average of polar sledging work and assuming the possibility of maintaining it, it would bring him back to land in 136 days, or on the 14th day of August.

The possibility of escaping from the polar pack under these circumstances across the disintegrating ice in the summer current is absolutely out of the question. To attempt it would be deliberate suicide on his part, with the certain death of all his forces.

Revolving the situation in his mind and the inexorable conditions that were now unfolded to him in their awful reality, he determined that there were but three alternatives from which to choose in this parting of the ways:

First. To openly acknowledge failure and the sad termination of a polar career, with the remote, but humiliating, possibility of Cook's return in triumph and to the glory of the one achievement that had been the hope and the ambition of his life.

Second. To proceed to a martyr's death.

Third. Imposture, with riches, renown, and eternal glory. The temptation is colossal. Less than this has wrecked greater men. It is a "gold brick" to the public, but everlasting

fame to one who embraces it. It is an enormous price. It is an opportunity never again to be presented. He accepts it.

Having determined on a course of action, he must be sure and certain of his work. Conscience is easily soothed.

To proceed to the pole, even though successful, with all its trials, risks, physical and mental strains, what is it, after all, in the last analysis, but entries in a diary?

The achievement can not possibly be proven to the world, who can not witness it, and may be doubted in any event; why sacrifice so much for fickle humanity at this age of life?

A diary can be fixed here and now, or elsewhere and at some other time, if managed right.

Mat Henson, a body servant of 23 years' service, has grown up to be absolutely subservient to his dominating mind, without even a wish or thought to do anything but to serve it faithfully. Peary is safe with him.

Neither Henson nor the Eskimos need see or know or have any means of knowledge as to directions or distances or time. If a statement is made in their presence, it is and must be accepted without a word, without a question, and is willingly accepted, as they are only there to serve implicitly. He says: "They are as obedient to my will as the fingers of my right hand."

But Bartlett, what of him? He is a man of thought, of observation, and of responsibility. There's the rub.

In a matter of deception it is unsafe to place confidence in a man of his integrity and capacity.

In matters of this import, in a crisis like this, whatever be necessary to success, the end justifies the means.

Emperors, kings, queens, princes have, with less temptation, resorted to murder, direct and indirect, in a multitude of ways.

Bartlett must be gotten rid of whatever else may be afterwards considered.

Bartlett is ordered to return. He is very anxious to go farther. It is a sad disappointment to him; but he is an officer and obeys his leader.

Bartlett himself is, of course, ignorant of the purpose in Peary's mind. He is yet necessary to Peary in many ways, and will be in the future. His friendship is all important and all efforts must be made to preserve it. Praise, hearty appreciation, must always be expressed for his great services, even to flattery if it serves. He will be a bulwark, if a time of stress and controversy ever appears.

This part of the problem being successfully solved, the next and only serious one remaining, not wholly in Peary's power to control, is the sounding apparatus. That, just now, is an ugly thing to have around. What it does is positive work, attached to the earth. If it could be in some way accidentally lost in the sea it would be a godsend. But how can this be successfully done even in the presence and with the knowledge of willing Henson and the Eskimos?

Soundings are tangible things, positive things, dangerous things, in cases like this. This may be reviewed in the future. His method of solving this problem has not been so skillfully handled as the rest of his story, and it adds another straw.

The sample of soundings beyond 49 miles out from the land "were lost with Marvin." The soundings made by Bartlett found "no bottom;" brought up nothing. The one near the pole lost line and sinker, all that remained.

The coast is now clear; not one scrap of evidence can be checked up. No other serious thing now exists. He makes five marches in some direction, some distance, perhaps, who knows? At the end of the fifth march he announces to willing ears the glad news that their long arduous struggle is over: "The pole at last! The prize of three centuries, my dream and goal for 20 years, mine at last."

He takes observations, walks some distance this way and that in great solemnity, lest some error in calculations might rob him in some way of the real solid assurance in his mind that he actually reached the pole. A flag is planted and photographed, and all is done. The men are admonished and drilled to bear distinctly in mind the number of marches from Bartlett's camp. It may be important in history. They are told that they are all heroes, but that they must remember the facts told them in order to preserve their part of the glory.

Whether this theory be a correct one or not, it is certainly in harmony with my views upon Peary's discovery.

If Peary did discover the pole, what scientific data did he bring back with him that has been, will be, or could be of any service to anyone or any cause—especially to the Navy? Then why should he be given such high rank in the Navy, when he has contributed nothing to its service or efficiency?

If a lieutenant in the Army should procure a leave of absence and proceed to Alaska and undergo the useless and senseless

hardship of climbing to the very top of Mount McKinley, would it be appropriate to promote him to the rank of brigadier general and retire with him the highest pay of that rank for doing so idle a thing?

Admitting that Peary did reach the pole, his feat was simply a matter of endurance. It was a sporty thing to do, and should be rewarded with a medal, such as are awarded to Marathon runners.

If Congress bestows high honors, such as are being asked for Peary for a test of endurance that has little, if any, scientific value, what will be left to give some man who really achieves something of importance? To reward him as he wants to be rewarded would cheapen naval titles and grades. They should never be granted except for attainments that have some relation to the service. If this man had the proper respect for the Navy and a decent pride in its service, he would not ask that the titles and ranks of its officers be degraded to the degenerate level to which his unwise, unjust, and unprecedented promotion will prostitute them.

For 16 years the Government has been paying this would-be hero a handsome salary and has not received any compensation therefor by way of service, or otherwise. Therefore, to my mind, he is an unfaithful servant, an idle loafer, and ought to be driven from the service instead of being promoted. To an impartial mind, I am sure, his request for a promotion, under all of the facts and circumstances of his case, will be considered as rank an act of impudence and unseemliness as that of Judas Iscariot when he betrayed his Lord and Master with a kiss.

We have two schools of philosophy represented here to-day. To which do you subscribe? To that of P. T. Barnum, the greatest humbugger of his age, or to that of Abraham Lincoln, one of the greatest patriots, philosophers, and statesmen of any age? For myself, gentlemen, I proudly take my stand with honest Abe. [Applause.]

Mr. Chairman, I now submit for printing in the RECORD a few letters and newspaper clippings bearing upon this alleged discovery and the man who claims to have made it, for such consideration as Members may care to give them:

GERMAN SCIENTIST TO EXPOSE PEARY—PROF. ANDREAS GALLE SAYS HE HAS PRODUCED NO PROOFS OF HAVING BEEN NEAR THE NORTH POLE.

[Special cable to the Gazette through the International News Service.]

BERLIN, November 12.

The famous German astronomer, Prof. Andreas Galle, of the Potsdam Geodetical Institute, says that when he gets through with Commodore Peary the man who has been honored the world over as the real discoverer of the North Pole will look no better than his despised rival Dr. Cook.

Prof. Galle, whom nobody will think of accusing of any bias in the matter, has for many months been submitting Peary's "proofs" to a very critical examination. The professor asserts that Peary until now has given absolutely no scientific proof of having ever been near the North Pole, but on the other side has made several assertions which tend to show that he has never been there.

The so-called "proofs" published by Peary are of no scientific value whatever, no more so than Dr. Cook's, said Prof. Galle, and at the same time he added that Peary did not even possess the instruments necessary to find out where he was at any certain time during his trip. Furthermore, the professor said, Peary would not have known how to use the instruments if he had had them. Nothing in Peary's own reports shows how he knew that he was traveling straight north during the latter part of his trip. The only way to make sure of this was by using theodolites and observations of the stars, but Peary has done neither.

In a very short time Prof. Galle will publish his criticism in the Deutsche Revue, the well-known German monthly, but at present he asserts that nobody is entitled to make the statement that he has reached the North Pole unless he is able to prove this by observations that will stand the test of science, and there is nothing, absolutely nothing, scientific in the observations made by Peary.

WEST HOBOKEN SCIENTIST DOUBTS WORD OF PEARY.

Editor of the OBSERVER.

DEAR SIR: Lieut. Robert Peary's gigantic bombshell, now flung at Dr. Cook about not reaching the North Pole, is somewhat like the surprise Peary gave us in 1897, when he brought from Greenland to the Brooklyn Navy Yard a large chunk of telluric iron and claimed it to be a meteorite.

After a close examination of same I then formed an opinion about Peary's sincerity as an explorer, and I have ever since found no grounds to change that opinion.

Inclosed please find an article which was printed in the New York Herald October 27, 1897.

Yours, truly,

ALFRED S. FRANKLIN,
215 Spring Street, West Hoboken.

"Alfred S. Franklin, who was the interpreter with the Wellman expedition in 1894, went to the navy yard yesterday and inspected the meteorite brought back from the frozen North by Lieut. Peary. Afterwards he told me he agreed with Nansen in his doubt as to the celestial origin of the stone."

"It is not a meteorite at all," he said, "but, as Nansen says, merely a mass of telluric iron. When I was with Wellman, on June 26, 1894, Capt. Peterson, Messrs. Dale, Novde, Bjorvig, and myself started out hunting. On Walsh Island, formerly known as the Inner Reys Island, 80° 25' 5" north latitude, 24° 16' 4" east longitude, I found a huge mass just the same as this so-called meteorite. I took samples and have compared them with Lieut. Peary's specimen, and they are almost identical, though not quite so rich."

And now Congress is being importuned to give Peary a reward for discovering the pole. This same galoot is the limit of gall. All the years he has been making explorations and writing for magazines he has been on Uncle Sam's Navy pay roll. For years he has devoted himself wholly to his own interests, drawing pay from the Government all the while. When he got back from the pole he wouldn't submit his proofs to Congress, but sold his story to magazines rather. And now this contemptible grafter wants Congress to reward him for working for himself while at Uncle Sam's pie counter. If there is a more pestiferous cad in the United States than Peary, we do not know his name. Between a liar like Cook and a jackass like Peary we are for the liar every dash out of the box.

[Sunday Oregonian, Jan. 8, 1911.]

ESKIMO BOY SAYS PEARY IS HATED BY PEOPLE OF NORTH.

NEW YORK, January 7.

A letter received from Mene Wallace by his friend Chester Beecroft complained that the Peary relief ship which took Mene back to the North left him many miles from Etah in a strange part of Greenland with no provisions, no furs, and no dogs. Mene was landed at North Star Bay and had a great deal of trouble to get to Etah, where he was known. Mene says that Peary is hated in his country for his cruelty. He does not believe that Peary found the pole or that Cook found it. Mene was brought to this country about 14 years ago by Peary, with his father and two other Eskimos. All died but Mene. He attended the public schools in New York, but got homesick.

[From the Los Angeles Bystander, March.]

Judging from the advertising pages of the magazines, the chief purpose of Peary's dash to the pole was to bring to the notice of the public sundry products of the American manufacturer. While he has jealously declined to share whatever honors there may be in his discovery of the top of the world with any human being, he has generally related his indebtedness to various articles he has recommended and leaves the impression that but for "Never-rip" suspenders, Fillett's razors, "Won't-stop" watches, and Shootem's rifles he could not have gotten farther north than One hundred and forty-second Street, New York. Unless one stops to catalogue the subjects of his commendations, he is apt to cast aside the magazine under the impression that Peary was loaded down with everything from a patent toothbrush to canned soups, and that polar discovery was not made possible by sleep, man, and dogs, but by tooth paste and hole-proof socks. It does not follow that there is any revenue from the versatility which Peary displays in falling into rhapsodies over the various articles he declares rendered such valiant aid on his polar journey. But his obligations are so plainly and enthusiastically expressed it seems only fair that the Government should save the \$6,000 pension his friends wanted him to cop from the public till and let the manufacturers of the aforesaid articles make up a purse as bountiful adulatory slush and relieve the rest of us from responsibility about a person for whom we do not care a rap. Indeed, if every wish which men have expressed to kick Peary as a rebuke for his supreme egotism had been applied, he would have long ago been punted so far beyond the domains of Uncle Sam that he couldn't get back in a thousand years. Peary's magnetism may not thrive among men, but when it comes to reach forth the open palm he is as shameless as any bell hop that ever grabbed for the unearned increment.

[Copy of letter from E. T. Osbaldeston, M. D., formerly passenger ship surgeon.]

NEW YORK CITY, N. Y., December 14, 1910.

To the Hon. R. B. MACON, OF ARKANSAS.

ESTEEMED SIR: Regarding the claim of Lieut. Robert E. Peary to the discovery of the exact site of the North Pole, you are possibly aware that there are thousands of his fellow countrymen who doubt the truth of the man's claim equally as much as that of the explorer Dr. Cook.

As an extensive traveler abroad, I have heard the same opinion expressed. At one time in England, where Peary was lecturing in particular, and this impression remained in the minds of the most of his audience, that he was even a more brazen-faced faker than Dr. Cook, and that the services of a kind press agent alone helped him to face it out. You may possibly recall the fact stated at the time of Peary's ungentlemanly and savage attack upon his coexplorer, Dr. Cook, viz., that Peary had grown rich on the proceeds of the solicited contributions of others in fitting and furnishing the means for his several explorations to find the North Pole. Also that he had never been known to give a full and detailed account of the expenditure of the large sums of money intrusted to his care for that purpose.

It was likewise stated publicly in the daily press that he exhibited unscrupulous methods when far north in obtaining sealskins and other relics to be forwarded, as was done afterwards on his return home, as presents in the form of sealskin coats and caps, etc., etc., to the members of the United States Geographical Society, of which he was a member, and their wives and daughters. No one will surely question their right to take the fatherly interest in Peary and indorse his statements, which they hastily and without reasonable time and investigation surely did, leaving most of the learned societies of other nations in lasting doubt as to their truth.

This man Peary is known by all who ever come in contact with him, in his assumed business of north sea explorings, to possess a selfish, unscrupulous, cunning, crafty, and bouncy nature. The cunning of making friends of the Esquimos by presents of boats, guns, ammunition, and a large variety of other goods, including foodstuffs, was a clever move to silence their tongues and secure their lasting friendship, even by lying if need be. The man Dr. Cook possessed no such advantages, and if he had would possibly not have used them in the same manner and for the same purpose, although there is little to say still in favor of Dr. Cook's pretensions to the actual discovery of the pole. Neither Cook nor Peary can ever convince the noted Arctic explorers of Sweden or Norway that they did discover the pole, and they believe that it is yet to be discovered.

Personally I am a member for many years of my life of an important, almost universal society in a lodge of 240 members, and only 7 believe that Lieut. R. E. Peary ever discovered the North Pole. Common gratitude for gifts received by the members of the Geographic Society, of which Peary is a member, and their pride in having the world believe that a member of their exclusive body did really find the pole might reasonably be expected of them. The stand which you and other mem-

bers of our Government are taking in opposing this man's claims to unproven honors meets with the approval of all honest, truth-loving citizens.

Respectfully,

Dr. EDWIN T. OSBALDESTON.

LITTLE ROCK, ARK., March 14, 1910.

Mr. R. B. MACON, Washington, D. C.

DEAR BRUCE: It is with pleasure that I note that some one has enough good sense left not to permit the Congress of the United States to blindly make an ass of itself by a fulsome worship of a doubtful hero of arctic exploration, and a man that is in every fiber of his small soul a cad and a selfish vainglorious bigot, regardless of his achievement, or want of it, as an explorer. His position that he will be handicapped in his revenue-producing lectures by a public examination of his claims to distinction is a veil so gauzy and unworthy of a historical figure that one blushes to know him an American. I sincerely hope that if the matter of a medal is again broached in the Congress that you will burn the falsity of his shallow conceit so deeply on his varnished tale that it will forever remain a lesson to future pouter pigeons of the American Navy.

I inclose you herein a section of the Arkansas Democrat of to-day, on both pages of which is an evidence that there are those besides myself that look on this man as I do, and those who appreciate your position in the matter. With kindest regards,

I am, sincerely, yours,

BALDY VINSON.

Mr. MACON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I yield an hour to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I had hoped the gentleman from Arkansas [Mr. MACON] would save a little of the time allotted to him in order that he might answer questions.

I have listened to him intently for 1 hour and 40 minutes, and he has declined, by reason of the length of his address, to be interrupted. I feel, however, that one or two questions ought to be put, if he is willing to answer them, even though it comes out of the time the chairman of the Committee on Naval Affairs has generously allotted to me. I shall put these questions, if the gentleman from Arkansas is ready to answer.

Mr. MACON. If I can answer them, I will.

Mr. MOORE of Pennsylvania. Acting, as I do on this occasion, in the absence of my colleague from Pennsylvania [Mr. BATES], who brought in the report favoring appropriate Government recognition of the world-wide exploit of Commander Robert E. Peary, whom my friend from Arkansas has just assailed, I shall yield probably 8 or 10 minutes of my time for questions and answers, with a view of ascertaining the source of information of the gentleman from Arkansas. I ask him whether he has been in communication with the Arctic traveler to whom he has made reference and upon whom he seems to pin his faith, Dr. Cook?

Mr. MACON. I never had a line from Dr. Cook in my life. I have never written him a line in my life. I repudiated him here to-night, in the beginning of my statement, when I said that the people at my home did not laugh at me any more for doubting that he discovered the pole.

Mr. MOORE of Pennsylvania. Then it is not the judgment of the gentleman that Dr. Cook did discover the North Pole?

Mr. MACON. I do not believe he discovered it any more than I believe the gentleman from Pennsylvania [Mr. MOORE] discovered it. I think he got a little nearer to it, because he went a little farther north than the gentleman from Pennsylvania ever did; but I repeat, I do not believe he discovered it any more than I believe the gentleman from Pennsylvania [Mr. MOORE] discovered it.

Mr. MOORE of Pennsylvania. The gentleman made something of a point of the telegram of congratulation sent to Dr. Cook by President Taft. The gentleman recalls that the President was very careful to say that he congratulated him upon "the report" that had been received of his discovery?

Mr. MACON. I do not know but what he said he congratulated him upon his discovery. I understood the telegram to mean that he accepted Cook's report as being true, and therefore the President of the Nation was proud to know that such a great feat had been accomplished by a citizen of the United States.

Mr. MOORE of Pennsylvania. The gentleman from Arkansas recalls that every newspaper in the land announced the arrival of Dr. Cook and his alleged discovery of the North Pole?

Mr. MACON. I so stated, and said that they heralded in great big headlines that he had made the greatest discovery of the age and was the greatest hero.

Mr. MOORE of Pennsylvania. And the gentleman was deceived into believing that, as most of the people of the United States were deceived?

Mr. MACON. I did not believe it, and I said that I was laughed at by my friends and neighbors and called a "Doubt-

ing Thomas" because I did not believe the story, but I said they did not laugh at me any more.

Mr. MOORE of Pennsylvania. The gentleman recalls the Copenhagen incident?

Mr. MACON. Yes; I recall that, and was glad to see that they corroborated my belief about the matter.

Mr. MOORE of Pennsylvania. And the gentleman recalls the incident of Mount McKinley?

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. And the book based upon that alleged discovery?

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. The gentleman recalls the return of Dr. Cook, and his employment by a magazine, to publish articles, admitting himself to be a faker?

Mr. MACON. I remember that; yes.

Mr. MOORE of Pennsylvania. The gentleman has no faith in Dr. Cook?

Mr. MACON. If the gentleman from Pennsylvania should take a week to make up his mind upon that proposition he could have no more doubt about Dr. Cook's not having discovered the North Pole than I have. The gentleman could not believe him to be a greater faker than I believe him to be.

Mr. MOORE of Pennsylvania. Then, upon that point the gentleman from the land of the big red apple and the gentleman from the Keystone State agree.

Mr. MACON. Yes.

Mr. MOORE of Pennsylvania. That Dr. Cook humbugged the people of the United States and humbugged the people of the world?

Mr. MACON. Yes; I believe that.

Mr. MOORE of Pennsylvania. The gentleman is aware that for 23 years a young lieutenant of the United States Navy was devoting the best there was in him to the attainment of an object which had been sought by the great navigators and explorers of the world.

Mr. MACON. My advices are that he was loafing around up there; that he was possessed of a disposition something like that of a young man down in my district, whose father was well off, and was the sheriff of his county. The sheriff wanted his son to qualify as his assistant and stay in the office and help collect the taxes and be the office man, but the son would not do it. He was of a roving disposition, and would rather roam around over the country than to stay at home by a warm fireside and enjoy the hospitality and love of his family. I have understood that Capt. Peary was of that disposition.

Mr. MOORE of Pennsylvania. Did not the gentleman, coming from that section which boasts of its Anglo-Saxon blood, have at first a little touch of pride, as a native American, when he read that an American had discovered the North Pole?

Mr. MACON. I did not believe it.

Mr. MOORE of Pennsylvania. Would not the gentleman have been proud if he had believed it?

Mr. MACON. Yes; if I had believed it, but I did not believe it, and hence I was no more proud of his declarations than I would—

Mr. MOORE of Pennsylvania. Did not the gentleman have some pride when the news came flashing over the wire that Dewey had sunk the Spanish vessels in Manila Bay?

Mr. MACON. He is a sure-enough hero.

Mr. MOORE of Pennsylvania. Had he suffered any more than Peary had suffered in his personal relations?

Mr. MACON. Dewey was carrying out the duties that devolved upon him as a naval officer, while this naval officer was doing nothing in the interests of the Navy.

Mr. MOORE of Pennsylvania. Now, after the gentleman's assault—

Mr. MILLER of Kansas. Mr. Chairman, in the interest of fairness, I think the gentleman from Pennsylvania ought to allow the gentleman from Arkansas to complete his answers.

Mr. MOORE of Pennsylvania. If the gentleman from Kansas had been here, as I have, for 1 hour and 40 minutes listening to the gentleman from Arkansas and had only 50 minutes left to himself, I do not think he would want to yield all of his time.

Mr. MILLER of Kansas. I have been here during the entire evening and have been much interested.

Mr. MACON. Mr. Chairman, I want to say that I must decline to be further interrogated by the gentleman from Pennsylvania unless he allows me to conclude my answers.

Mr. MOORE of Pennsylvania. Very well, I shall proceed to put things into the Record which may have a bearing upon what the gentleman from Arkansas has said in his very unjust, and, in my judgment, outrageous assault upon one of the Nation's heroes.

Mr. Chairman, I have some respect for the great fourth estate, which has not had a single representative in the Press Gallery to-night, a thing unheard of since I have been a Member of this House. I took note that during the progress of the address of the gentleman from Arkansas, which was an assault upon the newspaper fraternity of which I am proud still to be a member, there was no one willing to listen to his diatribes, offensive as they were in their personal references, and upon one of the great men of our country.

Mr. MACON. Mr. Chairman—

Mr. MOORE of Pennsylvania. I decline to be interrupted.

Mr. MACON. And I decline to be insulted by the gentleman from Pennsylvania. I do not want to make a personal matter of this, but if the gentleman from Pennsylvania wants to make a personal matter of it, I am ready.

Mr. MOORE of Pennsylvania. The gentleman from Arkansas is always ready to make a personal matter—

Mr. MACON. I say I do not want to make a personal matter of it. I did not intend to be impolite to the gentleman, but I do insist that he must not refer to me in such a way.

Mr. MOORE of Pennsylvania. I am referring to what the gentleman said; I am referring to this own words.

Mr. MACON. Tell what I said.

Mr. MOORE of Pennsylvania. If I could recall it I would, but some of the things the gentleman said I do not wish to recall. The gentleman was violent in his language in regard to the newspaper fraternity, but I observed that during the whole course of the gentleman's address the Press Gallery was empty.

Mr. MACON. I do not expect the newspapers to listen to me; they are not my friends. I thought that was understood by Members of the House.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor, and as he declines to yield he can only be interrupted by a point of order.

Mr. MOORE of Pennsylvania. I decline to yield because I asked the gentleman from Arkansas to yield to me and he declined to do it. Mr. Chairman, much stress was laid by the gentleman from Arkansas upon the return of an adventurer from the arctic regions. Anyone who has knowledge of the great newspaper fraternity which he assailed in his address knows what a "scoop" is, and what it means to come in first with a good story. If the gentleman understood, as I understand, the rivalry between newspaper men to obtain first the news that they want to give to the public, as he might understand the desire of a man in business to excel his rivals, he would understand that a faker who had just a smattering of information of the plans of the man who had devoted his life openly to the discovery of the North Pole might, when he knew the world was on the qui vive for information, create a great sensation on the American Continent by announcing from a European country that he had discovered the North Pole.

Will the gentleman from Arkansas [Mr. Macon] or any Member of the House say now upon his word of honor that he knew that this adventurer was in the Arctic regions seeking the North Pole? We knew that Peary was there. He had been trying for years to make the discovery, but was there the slightest intimation upon the part of anyone in this country that a man named Cook had gone into the Arctic regions and was seeking to bring back that prize of the ages which men of other nations had sought in vain? Was it not a surprise to every man here, as the gentleman from Arkansas admits it was a surprise to him, that this man should come out of hiding and suddenly say: "I am the discoverer! I am the Barnum prodigy; believe me, or not, I am sure of public attention on the vaudeville stage or in the magazines!"

What had he to lose except his reputation, and was he not losing that in such a way as to profit by it? Was it any wonder that a man who had carefully and publicly planned expedition after expedition year after year, who had striven against untoward conditions, raised the money, borrowed and begged it, should, upon attaining the goal of his lifetime, and finding that a faker and a fraud had imposed on the whole world, then on the spur of the moment in a righteous outburst of indignation say those things which even the gentleman from Arkansas himself might in his heat have been expected to say, did he find it necessary to dispute with some one who had done him great wrong?

I have watched this monumental outrage in all its phases from the time Peary started his first expedition north. I have lamented the unjust and cruel incident which deceived a whole world and robbed a hero of the credit and the glory that was his.

My colleague from Arkansas a moment ago referred to the man whom he said discovered America. He could not have

cited a more significant circumstance. What was the treatment accorded the discoverer of America? He believes Columbus to have been the discoverer of America, and yet it is known to all of us that Columbus was abused and robbed even of the credit of having his name attached to the New World. The honor fell to one who followed him, who simply had the foresight to put in a claim for what Columbus had failed to receive. Vespucci "scooped" the situation, and this country was named not after Columbus, but after Amerigo Vespucci.

Mr. Chairman, there have been fakers national and fakers international. No great discovery in science or in geography has been made that did not find some one following the inventor or the genius who toiled and plodded and bore the brunt of the undertaking. There are always those to dispute the honors of the public servant when the time comes for applause. Why, according to tradition, even in this House of Representatives there have been those who, sitting in the coat rooms and expounding their philosophy, have subsequently come upon the floor to listen to others elaborating their ideas. It seems to be the way of the world, and it seems the world is more and more prepared to listen to the man "who gets there first," who tells the story first. Strange, but it would seem we are coming to care little for the real and earnest worker who trails along after the sensation has been sprung.

I have some personal knowledge of the man who has been assailed upon this floor to-night, for in my capacity as a reporter upon the Public Ledger, under the direction of Mr. George W. Childs, I was instructed to place a pigeon cote upon one of the earlier vessels upon which Peary sailed north.

It was proposed to test out the capacity of carrier pigeons and to find out how far north they might go and be freed to carry their messages back to the United States. I recall distinctly being upon the ship and observing the narrow, contracted quarters in which a handful of men were to sail away upon a perilous expedition at the risk of their lives, even more than men do who enlist for the war; and I heard the stories of those who went on a subsequent expedition to find them and to bring them back, and I recall what they said of the long nights in the winter, those long months and years together, away from wife and children, living upon blubber and the crudest food, reduced to a minimum in quantity. They had the same faces to look upon every day and the same voices to listen to, until they became stale and metallic, even more so than voices do here in this great House, from which we so often crave relief. I recall distinctly the tales of hardship and heroism as they have come from the lips of men like Admiral Melville; how, notwithstanding it all, men came to hate each other in their circumscribed quarters in the Arctic regions, and how, when they came home, it was apt to be that they would recite stories one about the other and each claim credit for acts performed. But here and there as we may find a man who had a grievance against the commander, here and there as we may find one who claimed that he performed an act that was entitled to the applause of the people, it is a singularly striking fact that upon this last expedition those who accompanied their acclimated and experienced leader testified that he was their friend; that he had been an exceptional commander; that he understood how to lead and how, humanely, to control his men.

I have heard tales of cruelty with regard to the commander of these Arctic expeditions, tales arising from agreements or contracts made before he started out upon these voyages. Did the gentleman from Arkansas ever attempt to organize an expedition to be gone into an unknown world for four years? Does he understand the fine discrimination necessary to secure the right men for so exceptional a task? Those engaged in successful Arctic work must be tested and sounded as to their physical qualifications; there must be an understanding that they will follow the lead of their commander and subject themselves to his orders. Pray tell me what old general of the Union Army, or of the Confederate Army, for that matter, would have undertaken to lead a command if he knew that when he got out into the field every man would become a commander? Would he stand for a violation of orders or agreements when men had enlisted for the fray? I brush aside as unworthy of comment the stories of cruelty in the Arctic regions and declare that a man who would undertake an expedition of that kind, responsible for the lives of the men under him, relying not only upon his instruments but upon the stars and the tides and the winds of which other men knew not, and who had not the authority or ability to command and control his men would be unfit to engage in the work.

Peary began his journeyings 23 years ago and pursued them patiently and systematically. He showed remarkable control over men and situations. Had he been disposed to outrage the

public confidence he could have done it after the third or the fourth expedition. Why should he have taken the additional risk of other voyages, incurring a broken leg and the loss of all the toes of a foot, if he had not intended to win upon honor?

Are we to condemn him for his pluck and perseverance, or is he not entitled to the admiration of all the men of this world who have red blood in their veins? Why stigmatize him as the gentleman from Arkansas has done? His, surely, was not the work of a "loafer." No man without careful training of mind and body and an indomitable courage and will power, with perseverance and persistence, could have kept so everlastingly at it as Peary did. Briton or Frenchman or Norwegian, and they were all masters of the seas, had never been able to cope with him in the search for this prize of the ages. He outdistanced them all. He came back to us exultant and believing his work would be crowned with popular approval. Thus far we have heaped upon him criticism and discomfort; we have stood him back while a pretender to the throne of honor has occupied our time and attention. And we of Congress sit here and listen to an assault upon the courage and upon the integrity not only of Peary the man, but of an officer of the United States Navy, whose last expedition, the last of eight undertaken and organized by him and his friends, and this without expense to the Government, was entered upon by authority of the President of the United States. Do we remember that Peary returned under orders and reported in the regular way to the Department of Commerce and Labor, to which he was assigned, and that he brought back information which he laid at the feet of the Secretary of the department—information that no other country of the world possesses, so voluminous and fraught with such value to science that even the trained minds we have in our scientific bureaus have not yet been able to collate it all? Why should we make him a mockery of the people of this country, the son of our own soil, whose work has been open and aboveboard for 23 years and whom to-night we hear denounced as a faker because some one faked upon him?

Honored and respected in every nation of the world, shall we bring him back to his own country and then dishonor him? In dishonoring him do we not tell the nations of the world that what is un-American excites our admiration; that we applaud explorers of other nations who have gotten within 100 miles or even 1,000 miles of the pole, but that when our own son comes back he shall stand aside and be the butt and jest of scoffers?

We decline to make Peary an admiral. Thus far we have told him to take his place as a clerk in one of the bureaus, and this coincident with an invitation from the great nation of France to come and be welcomed as an international hero.

England gives Peary a medal and greets him with open arms; and Italy, whose own explorer knows what the perils of the great north are, tells him to come and receive the honor which her own son failed to achieve. Great Britain calls in one of her own and gives him a reward of \$100,000, not for discovering the North or the South Pole, but for attaining a certain distance toward the South Pole. Other nations honor their heroes. They do not put the stamp of disapproval upon them. They welcome the exploits of their gallant sons. In this capital city and throughout this country we mark with tablets of bronze and monuments of granite the services of our martial heroes. We remember the man who drew his sword and at the critical moment dashed forward for the honor of his country. Tell me what man who has fought the battles of his country, brave as he has been, and creditable as was his service, has endured the perils and the privations of 23 years in unknown seas, braving and striving against risks and dangers of which the world knows not?

Loafer! Oh, as a Member of this House, exercising my rights to defend one in whom I believe and who can not here speak for himself, I resent the assertion. No man could be a loafer who must organize an expedition, provision it for two or three years, provide for it in the hold of a small ship, train and direct the men, even those who do not speak his language, who will work faithfully and well under adverse circumstances in regions where the course is unmarked and where the fogs and icebergs close in on the life of the men and of their vessel.

Mr. Chairman, there is even a broader thought than this. It concerns the effect upon the youth of this country of our refusal as the national body to properly recognize the work of brave and gallant sons. I have before me the story of one who disputes that Edison was the inventor of the electric light and the phonograph. Shall we rob him of that credit now? There were those who contested the telephone invention of Alexander Graham Bell. There are those who dispute every creditable act that a man of genius and a man of courage may perform. We have come upon such times, with our boasted enlightenment

and our ease of newspaper information in this country, that we are prone to suspect every man from the moment we read of his exploits. Is this good for the country?

I believe in Mr. Peary. I believe in the genius of American youth. Let me be personal again and say that during the progress of the Spanish-American War I felt there was no man—general or private—who had performed an act of more conspicuous bravery than a Member of this House who honors the State of Alabama. I refer to Capt. RICHMOND P. HOBSON. Now, how many will say they could have done what he did, had they the opportunity?

There was a man who undertook to do what could not be accomplished by a general, what could not be accomplished by an army. He did it with the knowledge that his life was in the balance.

Who would rob Hobson, the national figure, not the Member of this House, of the honor and the glory of his brave act at the entrance of Santiago Harbor? And yet, oh, my friends upon that side of the House, and upon this side, how many were there this country over who were willing, like my friend from Arkansas [Mr. MACON], to withhold from Hobson the honor and the glory which establishes his place in history.

Or let us have another instance growing out of the same Spanish-American War. Do you recall how our blood tingled throughout this country when the news flashed over the wires that Dewey had sunk the Spanish vessels in Manila Harbor? Do you recall the wonderful parades, the pomp, and the unusual outbursts of American masses in welcoming him home, and do you recall how suddenly the trend of popular opinion swung, how many were ready in envy or malice to take the laurels from his brow? Are we to withhold these honors until men are dead and unable to appreciate them? Tell me what boy of yours, going into the service of the Army of the United States or undertaking the work of the Navy, may not some day be put in that position where opportunity or responsibility will put him forward and advance him beyond his fellows? Shall the answer to daring and heroism always be, You will have to prove it? I do not believe it true. Why, those who are in close daily contact with you are those who give you least credit for the things you do.

The man who knew you while you were a student, or when you were boys working together, is the man who oftentimes expresses surprise that you should be in Congress to-day. He is sometimes the last to give you credit. You have got to fight your way, and you have not only got to fight your way, but you have got to stand out with a full knowledge of all your strength and power. You may care for those things that are said about you, but you do not have time, in the the hurly-burly of modern existence, to stop and answer every dog that barks at your heels.

Mr. Chairman, Commander Peary was never entitled to the rank of commander, except as he was the commander of a vessel organized and equipped by himself. He was never even a captain until he came naturally and by gradation to that grade. He was "civil engineer, United States Navy." He won the rank of commander on the ships that he controlled. This Government has paid him no respect that was not due to any one of its officers plodding along in the routine way. It seems to me that where an officer of the Government, given leave of absence to make explorations that would be of advantage to navigation and commerce, entered upon that work and from year to year for 23 years carried it on without success, but ultimately succeeded, it comes with bad grace to set up against him an imposter, and thus discredit his standing in the Navy, to which he faithfully reported, and with the people for whose honor he strove.

There is testimony over and above that of my brief statement justifying recognition for the work that this man has done. There is reason over and above any argument of mine why this Congress should act, and act quickly, to save its honor and the honor of this country, as it is regarded by the other nations of the world. Three officers of the National Geographic Society were appointed to examine and report upon the records of Commander Peary. Their report was duly made, and they said, upon the strength of their scientific knowledge, that Commander Peary, an American, had discovered the North Pole. Instantly upon that report being announced the world accepted the verdict. It needed no special pleader, such as we heard here on the other side to-night, to convince the scientific world. The world took the statement of the three American scientists who rendered the verdict, and the world believed it to be true. Who were these jurors? Were they unknown? Was there reason to suspect their lack of knowledge? Were they inferior to the scientists of Copenhagen or of Paris or London or Berlin? Were we ashamed of our own talent, of

the men whom we had accredited as officers of this Government? Were we to deny Peary and also to deny these three public servants? It seems to me that they constituted the jury and that their verdict was final. But who were they? First, Henry Gannett, this Nation's chief geographer, an official of the Government, the leading scientist in his line, recognized for his ability the world over. Second, Otto H. Tittmann, the Chief of the Coast and Geodetic Survey. If he is not a scientist, if he is not qualified, if he was unfit to sit upon this jury to decide a scientific question, then he is unfit to be the chief of one of the most important branches of this Government, because he has in his keeping the life and the property of all who sail the rivers and the seas. And the third of these men was an admiral of the Navy, Admiral C. M. Chester, attached to a department that was suspected of being unfriendly to the engineer who had accomplished something that no naval man of this or any other nation had accomplished.

When men disputed the word of these men, and not that of Peary alone, I took the trouble to ascertain, in view of the contentions that arose, whether they adhered to the opinion they gave when they returned their verdict, and I have here a copy of the letter received from each of them. Here is the jury to which my friend from Arkansas should appeal, and here is the jury with which he disagrees. I send to the Clerk's desk to have read a letter received on March 17, 1910, from Henry Gannett, the national geographer and the president of the National Geographic Society, an honored institution of this country to which reference has been made.

The CHAIRMAN. The letter will be read in the gentleman's time.

The Clerk read as follows:

NATIONAL GEOGRAPHIC SOCIETY,
Washington, D. C., March 17, 1910.

Hon. J. HAMPTON MOORE,
House of Representatives, United States,
Washington, D. C.

DEAR SIR: I have yours of this date.

The report submitted to the National Geographic Society November 4, 1909, certifying that "Commander Peary has submitted to this subcommittee his original journal and records of observations, together with all his instruments and apparatus and certain of the most important of the scientific results of his expedition," and that "these have been carefully examined by your subcommittee, and they are unanimously of the opinion that Commander Peary reached the North Pole on April 6, 1909," to which report my name is attached, was, and still is, my unbiased statement of the records as I found them. This report made by me and my colleagues to the National Geographic Society November 4, 1909, was true and accurate, and since that date my opinion as to Mr. Peary's discovery has not in anywise changed, nor would it be changed if I should be called upon to make a report to the Congress of the United States.

Very truly, yours,

HENRY GANNETT,
President National Geographic Society.

Mr. MOORE of Pennsylvania. That is your national geographer. Now, let the Clerk read the letter from Mr. Tittmann. The CHAIRMAN. It will be read in the gentleman's time.

The Clerk read as follows:

2014 HILLYER PLACE NW.,
Washington, D. C., March 18, 1910.

DEAR MR. MOORE: I have your letter of the 17th. During the time when a controversy about the discovery of the North Pole was acute in this country I was in Europe and knew very little about it. I came back entirely unbiased and served on the committee in that frame of mind.

On the evidence before us I signed the report to the National Geographic Society with a full sense of its import. My opinion has undergone no change since the date of that report, and I am fully convinced that Peary reached the pole.

Yours, truly,

O. H. TITTMANN.

Hon. J. HAMPTON MOORE, M. C.,
Washington, D. C.

Mr. MOORE of Pennsylvania. Mr. Chairman, here is a hitherto unpublished letter from Admiral C. M. Chester, a rear admiral of the United States Navy, who was one of the three men constituting the jury to which I have referred.

The CHAIRMAN. The letter may be read in the gentleman's time.

The Clerk read as follows:

PERA PALACE,
Constantinople, April 4, 1910.

MY DEAR MR. MOORE: Your letter of March 17, directed to me, has been fully answered by my son, C. M. Chester, Jr., and I presume you have received his letter. None too strongly has he expressed my conviction of the reliability of Commander Peary's work in the Arctic.

My opinion as to the discovery of the pole as expressed in the report of the committee, of which I was a member, to the National Geographic Society on November 4, 1909, has not changed, but my convictions have been strengthened in many ways by studies of the subject carried on for other purposes since that time.

It is a well-established fact that the altitude of the sun can be determined approximately by measuring the length of the shadow thrown over a raised object on the earth's surface, as shown in pictures. I have examined a number of photographs made by Commander Peary while en route to the pole, and by this measure of the sun's altitude established the latitude of the place at which they were taken, and in every case the result accorded with his record and observations. This investigation, I want it understood, was not undertaken with a view

to checking Commander Peary's work, but simply as a contrast to a like examination of photographs purported to have been made by another claimant for polar honors, which showed the converse of this proposition.

I would also like to add with regard to the oft-repeated and absurd criticism concerning Commander Peary's rapid march after leaving his main party on April 1, 1909, a fact that I do not think is generally known. It should be remembered that he advanced north with a force comprising personnel and equipment selected from the best in his entire command and with conditions of ice and weather growing better all the time. He therefore naturally made better speed than could be accomplished by a larger party, which is always retarded by its weakest unit. But this increased rate of travel was not abnormal, for when the party had again reached land and man and beast had been thoroughly rested, Peary spurred back to the ship, covering over 100 miles of ground in "two sleeps," or nearly as much distance as made by him in seven days from April 1 to April 6.

Very respectfully, yours,

C. M. CHESTER,

Rear Admiral, United States Navy, retired.

Hon. J. HAMPTON MOORE,
House of Representatives.

Mr. MOORE of Pennsylvania. Mr. Chairman, an effort was made by joint resolution to have Congress, through the Committee on Naval Affairs, approve the finding of this jury and have the honor passed over to Commander Peary upon that finding. We were unable to obtain recognition for that proposition. There was objection in the committee, voiced as it has been here to-night, by the gentleman from Arkansas [Mr. MACON], and centering chiefly in him, but these are the men and this is the jury whom he refused to believe.

I send to the Clerk's desk to have read the statement of an officer of this Government who does believe in that finding, who does believe in those men, and who does believe, upon their report, that Commander Peary, an American, discovered the North Pole. This is the report and the recommendation of the Secretary of the Navy.

The CHAIRMAN. The matter referred to may be read in the gentleman's time.

The Clerk read as follows:

THE DISCOVERY OF THE NORTH POLE.

The discovery of the North Pole by Robert E. Peary, United States Navy, after years of patient and arduous endeavor, is an event which has added to the honor and credit of our country. It is fitting that the Government should recognize the value of his services and their successful termination.

If it meets with your approval, I recommend that Peary, the discoverer of the North Pole, be given a commission by legislation as rear admiral of the Corps of Civil Engineers of the Navy, to date from April 6, 1909, the date of his discovery of the pole, and that he be retired as of that date with the highest retired pay of that grade.

Respectfully submitted.

GEORGE V. L. MEYER,
Secretary of the Navy.

The PRESIDENT.

Mr. MOORE of Pennsylvania. The view entertained by the Secretary of the Navy seems also to have been entertained by the President of the United States, who desired that this act of justice to an American hero should be performed. I send to the Clerk's desk to have read the statement of the President of the United States, based upon the finding of the jury of American scientific experts.

The CHAIRMAN. The statement referred to may be read in the gentleman's time.

The Clerk read as follows:

PEARY.

The complete success of our country in arctic exploration should not remain unnoticed. For centuries there has been friendly rivalry in this field of effort between the foremost nations and between the bravest and most accomplished men. Expeditions to the unknown North have been encouraged by enlightened governments, and deserved honors have been granted to the daring men who have conducted them. The unparalleled accomplishment of an American in reaching the North Pole, April 6, 1909, approved by critical examination of the most expert scientists, has added to the distinction of our Navy, to which he belongs, and reflects credit upon his country. His unique success has received generous acknowledgment from scientific bodies and institutions of learning in Europe and America. I recommend fitting recognition by Congress of the great achievement of Robert Edwin Peary.

Mr. MOORE of Pennsylvania. In conclusion, Mr. Chairman, I respectfully submit that this great country of ours can not afford to play the part of "the dog in the manger." One of our own sons has accomplished what in the estimation of men of progress and courage is regarded as heroic—surely without parallel. All other efforts, from whatsoever source, have failed in the attempt to encompass it. Men who distanced others, step by step, in the struggle "farthest north," have been sung and honored for their unsuccessful efforts. We can not afford to ignore our own citizen who ultimately reached the goal. The spirit of iconoclasm prevails to a greater extent to-day perhaps than ever. We are not a nation of idol worshippers, but we have ever preached and taught the doctrine of progress, the spirit of the initiative; that spirit of incentive and action which we have been proud to denominate American. In our great political dispensation, with faction contending against faction, it is to be expected that criticism and ridicule may be employed

to dethrone a leader whose pretenses will not stand the test of popular approval; but if men go forth to battle, or venture into the field of discovery, or employ their talents and their genius to expand and glorify the country, we ought not, in all fairness, in all honor, in all decency, deny them that recognition the hope of which is the inspiration and the sum of their performances. [Applause.]

APPENDIX.

MEMORANDUM OF PEARY'S NORTHERN VOYAGES.

1886. May to November; about seven months: Penetrated 100 miles on the inland ice of Greenland east of Disco Bay, about 70° N. latitude; altitude, 7,500 feet.

1891-1892. June, 1891, to September, 1892; about 16 months: Right leg broken on voyage north. Five-hundred-mile march out and same distance back across northern part of Greenland, discovering Independence Bay, on the northeastern coast.

1893-1895. July, 1893, to September, 1895; about 27 months: Entire party except Peary and two men returned at end of first year. Spring of 1895 Peary repeated the march across northern end of Greenland and gained some miles beyond his farthest of 1892. Discovered the great Cape York meteorites and brought the two smaller ones back with him.

1896. July-October; about three months: Unsuccessful attempt to bring home largest of the Cape York meteorites.

1897. July-October; about three months: Brought home largest of the Cape York meteorites—the Ahnigto, the largest in the world—weighing about 90 tons.

1898-1902. July, 1898-October, 1902; about four years, three and a half months: During this time made four separate attempts to get north, resulting in the rounding of the northern end of Greenland and the attainment of the latitude of 83.59° north of the extreme northern point of Greenland; also the attainment of the latitude of 84.17° north of the northern point of Grant Land. All the instruments, records, private papers of the Lady Franklin expedition at Fort Conger brought home.

1905-1906. July, 1905-November, 1906; about 17 months: Highest north, 87° 6', attained in this journey.

1908-1909. July, 1908-September, 1909; about 15 months: Attainment of the pole.

SUMMARY.

Eight voyages, 6 attempts to reach the pole, and some 12 years spent inside the Arctic Circle.

| | Degrees north latitude. |
|------|-------------------------|
| 1886 | 69.00 |
| 1892 | 81.35 |
| 1895 | 81.40 |
| 1899 | 81.50 |
| 1900 | 83.59 |
| 1902 | 84.17 |
| 1906 | 87.60 |
| 1909 | 90.00 |

NAVY DEPARTMENT,
Washington, July 2, 1908.

SIR: The unexpired portion of the leave of absence for a period of three years granted you in the department's letter of April 9, 1907, is hereby revoked.

Report by letter to the Chief of the Coast and Geodetic Survey for instruction in making tidal observations along Grant Land and Greenland shores of the polar seas.

Respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Civil Engineer ROBERT E. PEARY,
United States Navy, South Harpswell, Me.

THE WHITE HOUSE, July 6, 1908.

Approved.

T. ROOSEVELT, President.

Received July 11, 1908, 5 p. m.

R. E. P.

OYSTER BAY, N. Y., July 3, 1908.

SIR: Civil Engineer R. E. Peary, United States Navy, has been directed by the Navy Department to report by letter to the Superintendent of the United States Coast and Geodetic Survey, and you are requested to direct this official to order him to make tidal observations along the Grant Land and Greenland shore of the polar sea during his projected cruise in the *Roosevelt*.

It is believed that such observations will throw light upon the Coast Survey theory of the existence of a considerable land mass in the unknown area of the Arctic Ocean.

Respectfully,

THEODORE ROOSEVELT.

Hon. OSCAR S. STRAUS,
Secretary of Commerce and Labor.

[Telegram.]

NEW YORK, July 3, 1908.

Assistant Superintendent PERKINS,
United States Coast and Geodetic Survey,
Washington, D. C.:

I have information that you may be authorized to give me instruction concerning tidal observations north coast Grant Land and Greenland. Will two or three days' personal instruction at your office be desirable for my assistants? Kindly wire.

R. E. PEARY.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, July 7, 1908.

SIR: I have the honor to state that in response to the directions issued to the Navy Department, Civil Engineer R. E. Peary, United States Navy, called in person at the office of the Coast and Geodetic Survey and informed himself fully of the views and requirements of

that office in regard to tidal observations along the Grant Land and Greenland shores of the polar sea, and expressed his intention to make every effort to collect the desired information.

I have the honor to be, sir,

Your obedient servant,

OSCAR S. STRAUS, Secretary.

The President, *Oyster Bay, N. Y.*

NOTE.—Commander Peary called at the Coast Survey Office on June 18 and on July 8. Mr. McMillan reported and spent that day and the morning of July 9 under the instruction of Dr. Harris.

EAGLE ISLAND,
South Harpswell, Me., July 12, 1908.

SIR: In compliance with orders of the Navy Department, copy of which I inclose, I beg herewith to report to you for instructions in making tidal observations along Grant Land and Greenland shores of the polar seas.

Very respectfully,

R. E. PEARY,
Civil Engineer, United States Navy.

CHIEF OF THE COAST AND GEODETIC SURVEY,

Washington, D. C.

EAGLE ISLAND,
South Harpswell, Me., July 12, 1908.

MY DEAR MR. TITTMANN: The orders, copy of which I inclose, were received by me only last evening, having been sent from Washington to South Harpswell, then to New York, then back here in pursuit of me. Otherwise, I should have reported to you sooner.

I am leaving here to-morrow morning, the 13th, for Sydney, and am due there Tuesday evening, the 14th.

If the *Roosevelt* makes good time going east, she will probably reach Sydney Tuesday and depart Wednesday.

This would make mail communication from you impracticable, and I beg to suggest that you wire me instructions and follow these with written instructions, which, in the event that I am delayed in leaving Sydney, may reach me, or otherwise will be received and held by Mrs. Peary.

With best regards to Mr. Perkins, Dr. Harris, and yourself, I am,

Very sincerely,

R. E. PEARY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, July 14, 1908.

SIR: Your letter of July 12, reporting for instructions in making tidal observations along the Grant Land and Greenland shore of the Polar Sea, has been this day received.

Detailed instructions were sent to you by Mr. McMillan on July 9, 1908.

Respectfully,

O. H. TITTMANN, Superintendent.

ROBERT E. PEARY,

Commander, United States Navy,

Commanding Steamer *Roosevelt*, Sydney, Nova Scotia.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, July 9, 1908.

SIR: In pursuance of the orders of the President, transmitted through the Secretary of Commerce and Labor, you will please have tidal observations made along the Grant Land and Greenland shore of the Polar Sea during your projected cruise in the *Roosevelt*.

The following directions for observing tides in Arctic regions will be followed, as far as possible, by the observer.

Make hourly or half hourly readings of the height of the water's surface above a fixed datum by means of a fixed staff or other form of gauge for periods varying from one day to one or more months at a station according to circumstances.

Refer all observations extending over more than a few days to one or more permanent bench marks upon the shore.

The kind of time should be distinctly specified. Wherever practicable, the observations should extend through all 24 hours of the day.

If the observations continue only a day or two, they will be of greater value if made near the time of greatest northern or southern declination of the moon.

At or near the following places observations are especially wanted:

Points as far northward as possible.

Points as far westward as possible.

Cape Columbia. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape Sheridan. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape Brevoort. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape Bryant. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Cape May.

Some point on northern coast of Hazen Land.

Some point as far eastward as possible. [These four stations and Fort Conger occupied as tidal stations by Peary.]

Some point near the head of Greely Fiord.

Sketches of specimen gauges for Arctic work and suggestions are given in accompanying memoranda. The sketches are taken from the Arctic work of Hall, Greeley, and Ziegler expeditions.

Further directions for observing tides are given in the blank books for tidal records and in accompanying memoranda; the latter are practically included in the introduction to the Coast Survey Tide Tables and in Chapter I, Appendix No. 9, 1897.

Respectfully,

O. H. TITTMANN, Superintendent.

ROBERT E. PEARY,

Commander, United States Navy,

Commanding Steamer *Roosevelt*, Sydney, Nova Scotia.

PEARY ARCTIC CLUB, NORTH POLAR EXPEDITION, 1908,
Steamship *Roosevelt*, July 17, 1908, Sydney, N. S.

SIR: I beg to acknowledge receipt of your letter of July 14.

I beg to acknowledge also receipt of your instructions and those of the Secretary of the Bureau of Commerce and Labor.

Very respectfully,

R. E. PEARY,
Civil Engineer, United States Navy.

Supt. O. H. TITTMANN,

United States Coast and Geodetic Survey,

Washington, D. C.

PEARY ARCTIC CLUB, NORTH POLAR EXPEDITION, 1908,

S. S. *Roosevelt*, 8-17, 1908,

Etah, North Greenland, Lat. 78° 18' N.

SIR: I beg to report my arrival here August 11. Leaving Sydney July 17, Cape York Bay was reached near midnight of July 31.

The voyage north across the Gulf of St. Lawrence was favorable, the Straits of Belle Isle were free of fog, rendering the passage easy, and favoring weather was experienced along the Labrador coast, which was followed as far as Turnavik Island, latitude 55° 18' N., with two intermediate stops for whale meat.

From Turnavik a course was set for Greenland coast, and about 12 hours of heavy weather ensued. After that the weather was moderate again until midnight of Saturday, the 25th. Following this were three days of strong northerly wind and sea, accompanied by rain and fog, which rendered the negotiation of Davis Strait somewhat disagreeable and arduous. From Holsteinberg the weather was favorable again, an energetic southerly wind of some hours' duration off Turnavik materially assisting us on our way.

Duck Islands were passed just before midnight of July 30, and Melville Bay entered in brilliant sunlit weather, with light air from the north.

This weather held to the east side of Cape York Bay, which was reached 11.30 p. m., July 31, no ice having been seen on the passage across the bay. In fact, no ice has been seen in the entire voyage except a narrow string of light, scattered ice off the Labrador coast the evening of the 23d.

Heavy weather and an unusual swell held us here till early Sunday morning, when the ship crossed to Cape York, latitude 75° 55' N. Here I learned that the *Erik* had passed the day before, but was unable to get into the settlement. Eskimos and dogs were taken on here and the ship's tanks filled with water from the glacier. We then steamed north to North Star Bay, where I found the *Erik*.

Taking on more Eskimos and dogs here, the ships steamed in company to the northwest end of Northumberland Island, where I boarded the *Erik* to visit the settlements at the head of Ingfield Gulf, while the *Roosevelt* proceeded direct to Etah to overhaul and trim ship for the ice.

I rejoined the *Roosevelt* with the *Erik* late August 11, with additional Eskimos and dogs and some 35 walrus. All dogs were landed on an island in Etah Fiord, the *Roosevelt* was coaled from the *Erik*, coal landed for the return trip, and two men landed with supplies for the relief of Dr. Cook.

The season has been an unusually cold and stormy one, with almost continuous wind and frequent snow.

I have on board a good supply of Eskimos, dogs, and walrus meat. All on board are well. I expect to steam north some time to-night.

Very respectfully,

R. E. PEARY, United States Navy.

SUPERINTENDENT UNITED STATES

COAST AND GEODETIC SURVEY,

Washington, D. C.

Similar report sent to honorable Secretary United States Navy.

INDIAN HARBOR, VIA CAPE RAY, September 6, 1909.

Mrs. R. E. PEARY, South Harpswell, Me.:

Have made good at last. I have the old pole. Am well. Love. Will wire again from Chateau.

BERT.

SOUTH HARPSWELL, ME., September 6, 1909.

TO COMMANDER R. E. PEARY,

Steamer *Roosevelt*, Chateau Bay:

All well. Best love. God bless you. Hurry home.

Jo.

INDIAN HARBOR, September 7, 1909.

WILLIAM H. TAFT,

President of the United States of America,

White House, Washington, D. C.:

Have honor place North Pole your disposal.

R. E. PEARY, United States Navy.

EXECUTIVE OFFICE,

Beverly, Mass., September 8, 1909.

Commander R. E. PEARY,

United States Navy, North Sydney, Nova Scotia:

Thanks for your interesting and generous offer. I do not know exactly what I could do with it. I congratulate you sincerely on having achieved after the greatest effort the object of your trip, and I sincerely hope that your observations will contribute substantially to scientific knowledge. You have added luster to the name "American."

WILLIAM H. TAFT.

BATTLE HARBOR, September 10, 1909.

HONORABLE SECRETARY OF STATE,

State Department, Washington, D. C.:

Respectfully report hoisted Stars and Stripes on North Pole April 6, and formally took possession that entire region and adjacent for and in name of President and the United States America. Record and United States flag left in possession.

PEARY.

WASHINGTON, D. C., September 12, 1909.

PEARY, Battle Harbor:

Congratulations on your successful efforts.

ADE, Acting Secretary of State.

BATTLE HARBOR, September 10, 1909.

HONORABLE SECRETARY UNITED STATES NAVY,

Navy Department, Washington, D. C.:

Respectfully report my return. Hoisted Navy ensign on North Pole April 6.

PEARY.

WASHINGTON, D. C., September 9, 1909.

Commander PEARY, Battle Harbor:

Your telegraphic report received. Navy Department extends hearty congratulations upon your successful attempt to reach North Pole.

WINTHROP, Acting.

BATTLE HARBOR, September 10, 1909.
Supt. O. H. TITTMANN,
United States Coast and Geodetic Survey,
Washington, D. C.:

Respectfully report 230 days' tidal observations Cape Sheridan, and 28 days' Cape Columbia, 28 days' Cape Bryant, 10 days' Cape Morris Jesup, 15 days' Fort Conger, simultaneous with Sheridan observations. Also soundings Cape Columbia to pole, and Cape Morris Jesup to 84° 15' north latitude.

PEARY.

PEARY, New York:

International Polar Commission addresses sincerest congratulations to their member.

CAGNI, NORDENSKIÖLD, LECOINTE.

NEW YORK, September 9, 1909.

Commander PEARY, Battle Harbor:

Admiral Sir George Nares cables to you, through the New York Times, "Owing to your well-known arctic veracity all will accept your statement that you reached the North Pole. I congratulate you. Nares."

THE NEW YORK TIMES.

LONDON, September 12, 1909.

PEARY, Battle Harbor:

Delighted to hear of your safe return. Warmest congratulations. DARWIN,
President Royal Geographical Society.

TURIN, September 24, 1909.

Commander ROBERT E. PEARY, New York:

May I congratulate you on the result of your expedition? Am very glad you have succeeded.

ABRUZZI.

ON SAFARI, NORTH OF MOUNT KENIA,
September 22, 1909.

DEAR MR. BRIDGMAN, Secretary Peary Arctic Club:

Your cable has just been brought me by a native runner, here in my camp by the Guars Nyero. I am writing to Mrs. Peary and Capt. Peary; I have no idea where he is. I am inexpressibly rejoiced at his wonderful triumph, and proud beyond measure, as an American, that this, one of the greatest feats of the ages, should have been performed by a fellow-countryman of ours. It is the great feat of our generation. We are all Capt. Peary's debtors—all of us who belong to civilized mankind.

With heartiest congratulations, faithfully, yours,
THEODORE ROOSEVELT.

ROYAL GEOGRAPHICAL SOCIETY,
London, January 25, 1910.

Commander R. E. PEARY,
The Oaklands, Washington, D. C., United States.

MY DEAR PEARY: I cabled you yesterday that the council of the society have decided to award you a special gold medal, and a silver replica to the medal to Capt. Bartlett. The medal is awarded to you for having been the first man to lead an expedition to the North Pole, and for having undertaken such scientific observations as your opportunities permitted. The silver replica is awarded to Capt. Bartlett, who accompanied you as far as 88° north latitude. I need hardly say with what pleasure it is that I have conveyed to you this information. Personally, I think it is an honor which you thoroughly deserve, after reaching the goal for which you have strived with such perseverance and determination for so many years.

Yours, very truly,
J. SCOTT KELTIE, Secretary.

[Cablegram.]

ROME, February 14, 1910.

Commander PEARY,
2019 Columbia Road, Washington, D. C.:

Council Italian Geographical Society awarded you King Humbert gold medal on account your long, successful attempts reach North Pole; silver medal, Capt. Bartlett; please wire if accept invitation lecture Rome, May, after London.

MARQUIS CAPELLI, President.

The Peary Arctic Club, "to reach the farthest northern point on the Western Hemisphere; to promote and maintain explorations of the polar regions." President, Thomas H. Hubbard; vice president, Zenas Crane. Organized January, 1890. Incorporated April, 1904. Incorporators: Morris K. Jesup, Henry Parish, Anton A. Raven, John H. Flagler; Robert E. Peary, civil engineer, United States Navy; Herbert L. Bridgman, secretary and treasurer. Standard Union Building, Brooklyn, N. Y.

NEW YORK, July 9, 1909.

SIR: In reply to your inquiry, mail for Commander Peary should be addressed to St. Johns, Newfoundland, care of Capt. Samuel W. Bartlett, who, in command of the power schooner *Jeanie*, now expects to leave that port for the north on the 25th instant. I judge this a more speedy and certain method than myself to receive and forward, involving unnecessary delay here.

Very truly, yours,
H. L. BRIDGMAN.

O. H. TITTMANN, Esq.,
Superintendent Coast and Geodetic Survey,
Department of Commerce and Labor, Washington, D. C.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, September 30, 1909.

Commander R. E. PEARY,
United States Navy, care Peary Arctic Club, New York, N. Y.

DEAR SIR: Numerous statements having appeared in the press referring to a report from you to this bureau, some of which have been attributed to you personally, suggest the possibility that a preliminary

report may have been sent which has failed to reach this office. (See copy of telegram.) Will you please inform me of the facts in the case? Congratulating you most heartily upon your splendid accomplishment, I am,

Very respectfully,

F. W. PERKINS,
Acting Superintendent.

[Telegram.]

SOUTH HARPSWELL, ME., October 7, 1909.

PERKINS,
Acting Chief United States Coast and Geodetic Survey,
Washington, D. C.:

No report as yet except preliminary telegraphic one. Shall forward original tidal records and profile of soundings Columbia to Pole shortly. PEARY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, October 7, 1909.

Commander R. E. PEARY,
United States Navy, South Harpswell, Me.

DEAR SIR: I beg to thank you for your telegram of this date. Both your determinations of tides and depths will be of greatest use in the discussion of the currents in that region and will be highly prized.

Very truly, yours,

F. W. PERKINS,
Acting Superintendent.

NAVY DEPARTMENT,
Washington, October 5, 1909.

SIR: The Government has for many years issued through the Hydrographic Office under this department a chart of the Arctic Ocean, showing the tracks of search parties and the progress of discovery.

2. The results of former expeditions toward the North Pole have been committed to the Hydrographic Office and incorporated into the official chart. It is, therefore, requested that the Coast and Geodetic Survey furnish for this purpose the results of the late expeditions carried on by Civil Engineer R. E. Peary, United States Navy, under the auspices of the Peary Arctic Club.

Very respectfully,

G. V. L. MEYER.

The honorable the SECRETARY OF COMMERCE AND LABOR.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, October 8, 1909.

SIR: In reply to your letter of October 5, 1909, I have the honor to state that the Coast and Geodetic Survey will furnish for the use of the Navy Department at the earliest practicable date such portions of the results of the late expedition carried on by Civil Engineer R. E. Peary, United States Navy, as he may furnish that bureau. No results have as yet been received.

Respectfully,

ORMSBY MCHARG, Acting Secretary.

The honorable the SECRETARY OF THE NAVY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, October 30, 1909.

SIR: I inclose a photograph of the profile of soundings taken by the Peary expedition upon the recent dash to the pole, together with a copy of a letter just received from Commander Peary in regard to other soundings, which will be of value to you in the preparation of the chart of the polar region, to which you referred by phone some days since.

The suggestion that Prof. McMillan be called to Washington to assist in working up the notes is a good one, but there is no appropriation available in the Coast Survey which could be applied to this purpose. Yours possibly has greater flexibility.

When the profile of soundings, which is inclosed, was sent to me, it was with the understanding that it was to be kept strictly private for the present, but from Commander Peary's letter of the 29th I gather that he has no objection to their being sent to you, but I presume, with the understanding that they are not to be given to the press.

Very respectfully, yours,

F. W. PERKINS.

The CHIEF OF THE HYDROGRAPHIC OFFICE,
Navy Department, Washington, D. C.

[Telegram.]

PORTLAND, ME., October 18, 1909.

Supt. F. W. PERKINS,
United States Coast and Geodetic Survey, Washington, D. C.:

Tidal and meteorological records and profile of soundings leaving Portland to-day by express.

PEARY.

Soundings from Cape Columbia to pole—Peary Arctic Club polar expedition, 1908-9.

| Sounding by— | Latitude. | Fathoms. | Remarks. |
|---------------------|-----------|----------|----------------------------|
| | 83 7 | 0 | |
| Marvin | 83 10 | 98 | Edge of glacial fringe. |
| Marvin and McMillan | 83 25 | 96 | |
| Bartlett | 83 53 | 110 | Edge of continental shelf. |
| Marvin | 84 29 | 825 | |
| Do. | 84 39 | 580 | |
| Do. | 85 23 | 310 | |
| Do. | 85 33 | 700 | No bottom. |
| Bartlett | 87 15 | 1,200 | Do. |
| Peary | 89 55 | 1,500 | Do. |

OCTOBER 18, 1909.

R. E. PEARY, United States Navy.

MARCH 16, 1910.

I hereby certify that this is a true copy of the original.

[SEAL.]

ANDREW BRAID,
Assistant in Charge of Office.

EAGLE ISLAND, SOUTH HARPSWELL, ME.,
October 18, 1909.

SIR: Referring to my telegram, I am sending you by express the tidal records of the Peary Arctic Club's recent North Polar Expedition.

Owing to the unfortunate death of Prof. Ross G. Marvin, some of the chronometer comparisons, particularly of the Cape Bryant observations, are missing.

These comparisons are undoubtedly among Prof. Marvin's private papers, and if so, will be obtained from his relatives later.

Prof. Donald B. McMillan took many of the observations and is familiar with them all, and can come to Washington to see you any time you may consider it advisable.

I am writing him now to communicate with you at once and to keep you posted as to his address.

I am also sending you profile of soundings from Cape Columbia to within 5 miles of the pole.

If such request is permissible, I will respectfully request that this profile and complete set of soundings be not published at present.

With best regards, I am,

Very respectfully,

R. E. PEARY, United States Navy.

Acting Supt. F. W. PERKINS,

United States Coast and Geodetic Survey,

Washington, D. C.

The sounding equipment of the expedition consisted of two reels of specially made piano wire of 1,000 fathoms each and three approximately 20-pound leads, with clam-shell device for grasping samples of the bottom. These reels were arranged to be fitted quickly to the up-standers of a sledge when making a sounding and had handles for reeling in the wire and lead.

One of these reels and leads were carried by Bartlett with his advance party, and the other reel and two leads by the main party.

Portions of the wire and the two leads were lost at various times in hauling up, owing, probably, to kinks in the wire.

When the sounding at 85° 33' was made 700 fathoms only were left of the sounding wire of the main party, and Bartlett, with the other thousand fathoms, was in advance and inaccessible.

In hauling up the wire from this sounding it parted again, and some 200 fathoms, together with two pickax heads and a steel sledge shoe, which had been used to carry it down, were lost.

When Marvin turned back the Captain's 1,000 fathoms and the remaining 500 fathoms of the other reel were combined.

When Bartlett made the sounding at 87° 15' I gave him explicit instructions to use the utmost caution in regard to the wire, in order not to lose any more of it, as I wanted it all for a sounding at the pole, should I succeed in getting there.

Acting upon these instructions, Bartlett ran out 1,260 fathoms and then stopped on account of a small kink in the wire, which he feared would part when the wire was hauled up.

When I made my sounding about 5 miles from the pole the wire parted, as had been feared, and the last lead and nearly all of the wire was lost.

The above facts are noted to explain the irregularity of these soundings which did not get bottom.

The sounding of 310 fathoms at 85° 23' naturally impressed me at once as surprising, and when Marvin reported the result to me, immediately after taking the sounding, I at once asked him if he was sure that he had the bottom, and he replied that he was, as the fact of this pronounced shoaling from 825 fathoms to 310 impressed him at once, and he made sure that his depth was correct.

Again, when the sounding of 700 fathoms and no bottom was made about 10 miles farther north, we both spoke of the peculiar fact of this outlying ridge with deeper channel intervening between it and the continental shelf, and Marvin again said that he was sure of his 310 fathoms reading.

Had it not been for the loss of the last lead and practically all of the wire while making the soundings at the pole, I should, on the return, have interpolated other soundings.

The profile indicates that a line of 5-mile interval soundings from Cape Columbia to the eighty-sixth parallel might develop a particularly interesting profile of the bottom of the Arctic Ocean.

R. E. PEARY, United States Navy.

OCTOBER 18, 1909.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, October 21, 1909.

Commander R. E. PEARY,
United States Navy, Eagle Island, South Harpswell, Me.

SIR: Your telegram and letter of the 18th, in regard to the tidal records, were duly received; and yesterday the tidal records, thermograms, photographs, and photo films, and the two reports of January 4 and 9, by Mr. McMillan, were received by express. Later Mr. Nichols called and handed me the tracing of the profile of the soundings from Cape Columbia to the pole, for all of which I beg to thank you.

The tidal records will be turned over to the tidal division at once for discussion, and I shall be happy to furnish you with the results in such form as you may desire for publication with the account of your expedition, which I presume you will publish later.

The Hydrographic Office of the Navy Department has asked for your soundings, which I shall send to them as soon as I shall have received the data for determining their positions.

I note what you say about giving publicity to the profile and complete set of soundings, and beg to assure you that they will not be made public at present.

Very respectfully, yours,

F. W. PERKINS,
Acting Superintendent.

EAGLE ISLAND, SOUTH HARPSWELL, ME.,
October 28, 1909.

Mr. F. W. PERKINS, Washington, D. C.

DEAR SIR: Replying to your favor of October 21, I desire to express my sincere appreciation of your kind offer to furnish me the results of the discussion of the expedition's tidal records.

I shall be very glad to receive the same when ready.

In regard to the profile of soundings delivered to you by Mr. Nichols, and which you inform me the Hydrographic Office of the Navy Department desires, will say that these soundings were made on the meridian of Cape Columbia, and plating on that meridian, at the latitudes which I think are noted in the table on the profile sheet, will give their position.

There are quite a number of other soundings made on this expedition and the previous one along the north coast of Grant Land as far west as the eighty-second meridian (Cape Fanshawe Martin), also in Kennedy and Robeson Channels and Kane Basin, also off Cape Alexander and from Cape Morris Jesup, the northern extremity of Greenland, to 84° 15'.

If the Hydrographic Office contemplates adding these soundings to chart No. 2142, or thinks of issuing a new edition of that chart, it would seem desirable to have all of these soundings, as well as the work of the previous expedition defining the shore line from Aldrich's farthest to Cape Thomas Hubbard, and the reconnaissance of the present expedition of Clements Markham Inlet, just west of Cape Hecla, added to the chart.

May I respectfully suggest that you take this matter up with the Hydrographic Office and, if the work indicated above seems desirable, see if some arrangement can be made for the compensation and expenses of Prof. Donald B. McMillan, who is familiar with much of this work, so that he may come to Washington with the notes of the soundings and assist in plating the work?

Prof. McMillan is now engaged in getting the soundings samples in shape to send a set to your office for such examination as you may desire.

Unfortunately, the samples of soundings on the northern journey beyond the soundings of 110 fathoms were lost with Prof. Marvin. The others may yield interesting results under the microscope.

Very sincerely,

R. E. PEARY, United States Navy.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 15, 1910.

SIR: The Superintendent of the Coast and Geodetic Survey advised me that Commander R. E. Peary, United States Navy, has submitted to that bureau the records of the tidal observations made by him in the Arctic by order of President Roosevelt. These observations are reported to have been thoroughly made and are satisfactory and of great value. They are now being reduced and discussed by the tidal expert of the Coast Survey.

In view of the fact that Commander Peary has performed the special duty for which he was attached to this department, I have the honor to suggest that he can be detached without detriment to the survey.

Respectfully,

BENJ. S. CABLE, Acting Secretary.

The honorable the SECRETARY OF THE NAVY.

DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, March 16, 1910.

Mr. O. H. TITTMANN,
Superintendent Coast and Geodetic Survey.

SIR: I have the honor to report that the tidal records obtained by Commander R. E. Peary during his latest Arctic expedition consist of practically unbroken series of hourly readings of the height of the tide, taken day and night, at the following places and between the dates specified:

| Station. | Period of observation. | Length of record. |
|--------------------|---|-------------------|
| | | Days. |
| Cape Sheridan..... | Nov. 12, 1908, to June 30, 1909 (total loss of record, 31 hours). | 231 |
| Cape Columbia..... | Nov. 16, 1908, to Dec. 14, 1908..... | 29 |
| Cape Bryant..... | Jan. 16, 1909, to Feb. 13, 1909..... | 28 |
| Fort Conger..... | June 10, 1909, to June 25, 1909 (total loss of record, 5 hours). | 10 |

The observations were taken day and night, and besides the regular hourly readings, numerous additional readings were generally taken near the times of the high and the low waters.

From the records themselves and from plottings constructed from them, it appears that the observations were taken with great care and thoroughness.

The principal results from these records have been already obtained and are on file in this office.

In order to show the full geographical value of the results, it will be necessary to consider them in connection with all other tidal results relating to the Arctic Ocean. This work is now underway.

Commander Peary's observations leave little to be desired in regard to tidal observations between Cape Morris Jesup and Cape Columbia; but there are long stretches of the Arctic coast where nothing is available. This is especially true of the Russian coast and the western and northern portions of the Arctic Archipelago. However, we have recently received some tidal information from the Russian hydrographic office, with the promise of more, which will pertain to regions where no knowledge of the tides has heretofore been available.

The results obtained from Commander Peary's records show that the tides along the northern coasts of Grant Land and Greenland are quite different in many respects from what had been heretofore supposed. For example, his records prove that the tide occurs three hours earlier at Cape Columbia than at Cape Sheridan, and not later, as had been generally assumed.

As already intimated, the full significance of these observations in respect to Arctic geography can not be seen at this time.

The meteorological records submitted to this office consist of thermograms covering about 180 days, and barograms covering about 260 days.

Respectfully, yours,

R. A. HARRIS.

NOTE.—Mr. Harris, whose report is above presented, is the tidal expert of the Coast and Geodetic Survey, to whom the records of Commander Peary had been referred for scrutiny and examination.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, March 14, 1910.

MY DEAR CONGRESSMAN: I have the honor to acknowledge the receipt of your letter of the 9th instant, asking certain information in regard to the record of Civil Engineer Robert E. Peary, United States Navy, and requesting the views of this department upon joint resolution No. 144, "authorizing the promotion of Civil Engineer Robert E. Peary to

the grade of rear admiral in the Corps of Civil Engineers of the Navy, and the presentation of a vote of thanks to him by Congress."

In reply thereto I have to inform you that Robert E. Peary entered the naval service of the United States as a civil engineer on October 26, 1881, and has served continuously since that date.

During his service in the Navy, Civil Engineer Peary, at different times, has been granted leave of absence as follows:

1886, April 6: Leave, 8 months.
1887, October 31: Leave, 12 months.
1891, February 24: Leave, 18 months.
1892, November 21: Leave, 3 years.
1896, May 2: Leave, 6 months.
1897, May 25: Leave, 5 years and 6 months.
1903, September 9: Leave, 3 years.

1907, April 9: Leave, 3 years. (Under date of July 2, 1908, the unexpired portion of this item of leave was revoked and Civil Engineer Peary ordered to report to the Coast and Geodetic Survey for duty in making tidal observations in Grant Land and Greenland.)

While on leave, as given above, Civil Engineer Peary was paid the sum of \$38,148.36.

For the six months from May 5, 1896, to November 4, 1896 (fifth item in statement on previous page), with the exception of two days of duty, October 25 and 26, 1896, Civil Engineer Peary was on leave without pay.

The views of the department in regard to H. R. bill 19971, providing for the advancement of Civil Engineer Peary are contained in a letter dated February 10, 1910, addressed to the chairman of the Committee on Naval Affairs, House of Representatives, a copy of which is inclosed herewith for your information.

Faithfully, yours, G. V. L. MEYER, Secretary of the Navy.

HON. J. HAMPTON MOORE, M. C.,
House of Representatives, Washington, D. C.

NAVY DEPARTMENT,
Washington, February 10, 1910.

MY DEAR CONGRESSMAN: The receipt is acknowledged of your letter of the 8th instant, inclosing a bill (H. R. 19971) "providing for the appointment of Commander Robert E. Peary a rear admiral in the Navy as an additional number in grade, and placing him upon the retired list," and requesting for the committee the views and recommendations of the department thereon.

In reply I have the honor to inform you that Robert Edwin Peary entered the naval service of the United States as a civil engineer on October 26, 1881, and has been an officer of the Navy continuously since that date, performing the duties required of a civil engineer under orders from the Navy Department, except when on leave.

During his service in the Navy, Civil Engineer Peary has been granted leave of absence abroad as follows:

1886, April 6: Leave abroad, 8 months.
1887, October 31: Leave abroad, 12 months.
1891, February 24: Leave abroad, 18 months.
1892, November 21: Leave abroad, 3 years.
1896, May 2: Leave abroad, 6 months.
1897, May 25: Leave abroad, 5 months.
1903, September 9: Leave abroad, 3 years.
1907, April 9: Leave abroad, 3 years.

The unexpired portion of this last leave was revoked on July 2, 1908, and Civil Engineer Peary was ordered to report to the Coast and Geodetic Survey for duty in making tidal observations in Grant Land and Greenland.

It would appear that the bill in question is framed for the purpose of rewarding Civil Engineer Peary for having reached the North Pole, and while having successfully accomplished this self-imposed task is most commendable and reflects great credit not only upon him, but also upon the entire Nation, his various exploring expeditions can not be regarded as having been conducted for a strictly military or naval purpose, and for this reason it seems inappropriate to confer upon him a title for which his previous education, training, and service have not fitted him.

It is therefore recommended that in the title of the bill and in the fourth line thereof the word "commander" be changed to "civil engineer," the latter being Mr. Peary's correct official designation, and, further, that instead of appointing him a rear admiral and placing him upon the retired list as such, that he be retired as a civil engineer with the rank of rear admiral, and with the highest retired pay of that grade under existing law.

Faithfully, yours, G. V. L. MEYER.

THE CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 12, 1910.

HON. J. HAMPTON MOORE, M. C.,
House of Representatives, Washington, D. C.

SIR: In reply to your letter to the Superintendent of the Coast and Geodetic Survey of the 11th instant, I beg leave to inform you that in conformity with the letter of the President, dated July 3, 1908, addressed to the Secretary of Commerce and Labor, and orders of the Navy Department dated July 2, 1908, Civil Engineer R. E. Peary, United States Navy, reported by letter to the Superintendent of the Coast and Geodetic Survey for the purpose of making tidal observations along the Grant Land and Greenland shore of the polar sea.

Detailed instructions as to the manner of making these observations were issued by the Superintendent of the Coast Survey under date of July 9, 1908.

Under date of October 18, 1909, Mr. Peary transmitted to the Superintendent of the Coast Survey 21 volumes of tidal observations and also a profile of soundings from Cape Columbia to within 5 miles of the pole.

A reduction of the tidal observations has been in progress for some time, but owing to more pressing duties the final discussion of these results has not yet been completed.

Under date of October 31, 1909, a copy of the profile of soundings was forwarded to the Hydrographic Office of the Navy Department for utilization in the publication of their chart of the polar ocean. In answer, therefore, to the question whether his reports have been available for public use in the publication of data and in the dissemination of information respecting the arctic seas, I beg leave to say that the records have been treated in the customary manner.

Respectfully, CHARLES NAGEL, Secretary.

NATIONAL GEOGRAPHIC SOCIETY'S INVESTIGATION.

At a meeting of the board of managers of the National Geographic Society, Wednesday morning, October 20, the records and observations and proof of Commander Robert E. Peary that he reached the pole April 6, 1909, were submitted to the society.

The records and observations were immediately referred to the committee on research, with the direction that the chairman appoint a subcommittee of experts, of which he shall be a member, to examine said records and report on them to the board. Mr. Henry Gannett, chairman of the committee on research, immediately appointed as the other members of the committee Rear Admiral Colby M. Chester, United States Navy, and O. H. Tittmann, Superintendent of the United States Coast and Geodetic Survey.

This committee of the society will personally examine the notebooks and original observations made by Commander Peary in his march to the pole and see all the papers as brought back from the field. The committee will report to the board the result of its findings at a special meeting of the board to be called for that purpose.

This action of the society was taken in accordance with the by-laws of the society, which provide that "the committee on research shall be charged with the consideration of all matters of scientific and technical geography, including exploration, which may be brought before the society, or which may originate in the committee, and shall report thereon to the board of managers, with recommendations for action."

At a meeting on October 1 the board of managers stated that the National Geographic Society could accept the personal statements of neither Commander Peary nor Dr. Cook that the pole had been reached, without investigation by its committee on research or by a scientific body acceptable to it.

At the same meeting Commander Peary and Dr. Cook were urged speedily to submit their observations to a competent scientific commission in the United States.

At a later meeting the board joined in a request from the American Museum of Natural History, New York, and the American Geographical Society to President Ira Remsen that he, as the president of the National Academy of Sciences, appoint a commission to pass upon the records of Commander Peary and Dr. Cook. This plan for an early examination failed, as Dr. Remsen stated that he would not be able to appoint said commission unless authorized by his council, which meets late in November, and unless also requested to do so by both Commander Peary and Dr. Cook.

Commander Peary was willing to abide by such a commission, but Dr. Cook stated that his observations would go first to the University of Copenhagen. In view of the fact that Commander Peary had been waiting since his return to submit his records to a scientific commission in the United States, the National Geographic Society believed it should receive his papers now in order that his claim of having reached the pole may be passed upon without further delay.

The society is ready to make a similar examination of Dr. Cook's original observations and field notes, but as he promised to send them to the University of Copenhagen, and the society will not have an opportunity of seeing them for probably some months, it did not seem fair to defer action on Commander Peary's observations until Dr. Cook's papers were received by the society. The only question now to be decided by the society is whether or not Commander Peary reached the pole on April 6, 1909.

Mr. Henry Gannett, chairman of the committee which will report on Commander Peary's observations, has been chief geographer of the United States Geological Survey since 1882; he is the author of Manual of Topographic Surveying, Statistical Atlases of the Tenth and Eleventh Censuses, Dictionary of Altitudes, Magnetic Declination in the United States, Stanford's Compendium of Geography, and of many Government reports. Mr. Gannett is vice president of the National Geographic Society, and was one of the founders of the society in 1888.

Rear Admiral Colby M. Chester, United States Navy, was graduated from the United States Naval Academy in 1863. He has held practically every important command under the Navy Department, including superintendent of the United States Naval Observatory, commander in chief Atlantic Squadron, Superintendent of the United States Naval Academy, Chief of Hydrographic Division, United States Navy. Admiral Chester has been known for many years as one of the best and most particular navigators in the service.

O. H. Tittmann has been superintendent of the United States Coast and Geodetic Survey since 1900. He is the member for the United States of the Alaskan Boundary Commission, and was one of the founders of the National Geographic Society.

Board of managers: Alexander Graham Bell, inventor of the telephone; C. M. Chester, rear admiral, United States Navy; former Superintendent United States Naval Observatory; F. V. Coville, botanist, United States Department of Agriculture; Rudolph Kauffman, managing editor, the Evening Star; T. L. Macdonald, M. D.; Willis L. Moore, Chief United States Weather Bureau; S. N. D. North, formerly Director United States Bureau of Census; O. P. Austin, Chief United States Bureau of Statistics; Charles J. Bell, president American Security & Trust Co.; T. C. Chamberlin, professor of geology, University of Chicago; George Davidson, professor of geography, University of California; John Joy Edson, president Washington Loan & Trust Co.; David Fairchild, in charge of agricultural explorations, Department of Agriculture; A. J. Henry, professor of meteorology, United States Weather Bureau; A. W. Greely, arctic explorer, major general, United States Army; Henry Gannett, geographer of Conservation Commission; J. Howard Gore, professor of mathematics, the George Washington University; Gilbert H. Grosvenor, editor of National Geographic Magazine; George Otis Smith, Director of United States Geological Survey; O. H. Tittmann, Superintendent of United States Coast and Geodetic Survey; and John M. Wilson, brigadier general, United States Army, formerly Chief of Engineers.

The subcommittee to which was referred the task of examining the records of Commander Peary in evidence of his having reached the North Pole beg to report that they have completed their task.

Commander Peary has submitted to this subcommittee his original journal and records of observations, together with all his instruments and apparatus and certain of the most important of the scientific results of his expedition. These have been carefully examined by your subcommittee, and they are unanimously of the opinion that Commander Peary reached the North Pole on April 6, 1909.

They also feel warranted in stating that the organization, planning, and management of the expedition, its complete success, and its scientific results reflect the greatest credit on the ability of Commander Robert E. Peary and render him worthy of the highest honors that the National Geographic Society can bestow upon him.

HENRY GANNETT.
C. M. CHESTER.
O. H. TITTMANN.

The foregoing report was unanimously approved. Immediately after this action the following resolutions were unanimously adopted:

"Whereas Commander Robert E. Peary has reached the North Pole, the goal sought for centuries; and
 "Whereas this is the greatest geographical achievement that this society can have opportunity to honor: Therefore
 "Resolved, That a special medal be awarded to Commander Peary."

DECEMBER 9, 1909.

THEODORE ROOSEVELT, *Nairobi, British East Africa:*

National Geographic Society December 15 awards medal Peary for discovery of pole. Will appreciate message of congratulation from you. NATIONAL GEOGRAPHIC SOCIETY.

NAIROBI, December 11, 1909.

NATIONAL GEOGRAPHIC SOCIETY, *Washington:*

Extremely pleased. Desire through you to extend heartiest congratulations Peary on his great feat which you have thus recognized.

ROOSEVELT.

Referring to the time occupied by Peary in his last dash to the pole, Mr. Gilbert H. Grosvenor, director and editor of the National Geographic Society, says:

In view of the recent published statement by a Member of Congress doubting the distances traveled by Peary on his last northern sledge journey, I have gone to some trouble to obtain correct figures from the narrative of Peary's last and previous expeditions.

Anyone who cares to take the time and trouble can verify these figures, and will find the following results:

Peary's average distance per march from Cape Columbia to where Bartlett turned back was 12.8 miles. Had it not been for the north wind two days, setting them back, this average would have been 13½ miles. Between two observations taken by Marvin the average of three marches was 16½ miles. Several of the marches were 20 miles. His average, from the time Bartlett left him, to the pole was 26 miles. His average on his return was 25.6 miles.

For comparison with the above figures, as showing that these averages are not at all excessive, the following facts can be taken from the narrative of the last expedition and previous ones:

Peary's last two marches on the return, from Cape Columbia to the Roosevelt, were 45 miles each. On this and previous expeditions the journey from Cape Hecla to the Roosevelt, a distance of 45 to 50 miles, was made in one march. The distance from Cape Columbia to Hecla was also made on other occasions in one march. The march from the Roosevelt to Porter Bay, a distance of 35 miles, was repeatedly made in 8, 10, and 12 hours. MacMillan and Borup, returning from Cape Morris Jessup to the Roosevelt, made the distance of 250 miles or more in eight marches, an average of over 31 miles a march. Peary, in one of his earlier expeditions, made the distance from Cape Wilkes to Cape D'Urville, a distance of 65 to 70 miles, in one march. He repeatedly made the march from Cape D'Urville to Cape Fraser, a distance of 40 miles, in one march, and in the winter of 1899-1900 traveled from Etah to a point in Robertson Bay, 60 miles distant, in less than 12 hours.

On his return from Independence Bay to Bowdoin Bay, Peary averaged 20 miles a day for 25 successive marches; 210 miles in 7 successive marches (an average of 30 miles a day), making the last march of 40 miles, all these with dogs not driven by Eskimo drivers.

On more than one occasion in the fall of 1900 Peary's parties went from Lake Hazen to Fort Conger, both by the Bellows route and by the Black Vale route, distances either way of 50 miles overland, in 1 march. This after the sun had set for the winter.

In February, 1899, before the sun returned, Peary (with both feet frozen six weeks before) sledged from Conger to Cape D'Urville, a distance of over 200 miles, in 11 marches, in an average temperature of 53½ degrees below zero, an average of about 20 miles. In March of 1902 he went from Cape Sabine to Fort Conger, a distance of 250 to 300 miles, as traveled, in 12 marches, an average of 21 to 25 miles, and later covered the same distance again in 11 marches, an average of 22 to 27 miles.

In the history of polar exploration no one has had so much and such long-continued training in ice work as Peary; his speed is the result of long years of practice, resulting in great physical endurance and skill in the use of the sledge.

1211 FOURTEENTH AVENUE,
 Altoona, Pa., March 11, 1910.

MR. GILBERT H. GROSVENOR,
 National Geographic Society, Washington, D. C.

DEAR MR. GROSVENOR: I just received your letter and am only too glad to do as you ask and tell you what we fellows thought of Commander Peary and the wonderful kind way he treated us.

It makes me sick the way almost everyone criticizes, abuses, and knocks him.

Why, do you suppose for one minute he could have gotten the work out of either the Eskimos or ourselves if he had been a grim martinet or tyrant. Well, I guess not.

In the fall of 1908, for about four weeks, MacMillan was laid out by a fever and was in bed for nearly three weeks. Every day the commander would drop in several times a day to see how he was getting on, ask him what he could do for him, what books "Mac" wanted from his arctic library, what tunes he would like played on the pianola, what variety in his food he would prefer, etc. Then he would go get the books wanted or sit down and play the pianola for "Mac" by the hour.

Once, on the second day of the dash, "Mac" fell in the icy water up to his waist, with the temperature in the minus fifties. Luckily for him it was camping time and the igloos were almost done.

He hurried to camp. The commander saw he had met with a mishap, spread out a musk-ox robe for him to sit on, helped him pull off his icy moccasins and stockings, dried his feet, legs, and drawers with the shirt that was next his own skin—and, mind you, there was no drying that shirt over a fire; he had to dry it with his own animal heat.

After that he put Mac's feet, which by this time were nearly frozen, upon his own stomach to warm them up. From experience I for one know that having a pair of icy feet on one's stomach is far from pleasant.

Now, there was no need for the commander to have done that. He could have called an Eskimo up and told him to warm Mac's feet up. But, no, he did it himself.

And, of course, when the leader of an expedition is willing to do that for his men, they are devoted to him and will do anything for him.

Again, when MacMillan was shot the commander came in the room with the tears in his eyes and said he'd have rather been shot himself than have MacMillan laid out—and if ever a man meant what he said we knew the commander did.

If I started to tell you the numberless ways the commander went out of his way to help us, give us advice, keep us jollied up, I'd have a book written before I got through.

Personally my own father could not have been kinder or more considerate to me than the commander was. During the whole trip I never knew him to say a cross word to anyone, white man or Eskimo, and the Lord knows we gave him occasion to often enough.

He would not only go out of his way to help us, but would put himself out for the dogs. I remember once a dog got a line snarled around his leg on deck and was in great pain. I went to his rescue, but the brute failed to appreciate my attempts to get him out of his fix, and seemed to hold me responsible for his pain.

The commander happened to come out on deck then, saw the dog was doing his best to sample me, and came up to help at once. Just a word or two to the dog, and the animal seemed to know he'd found a friend; the commander got hold of his leg, unwrapped the trace, and the dog was free and falling all over the commander to express his gratitude.

If you will excuse my continuing on another line in regard to this Macon affair about the distances we supporting parties went, when Marvin and I were trying to overhaul Peary he covered about 40 miles one day and were one day's march behind the main column. We called for a volunteer to go ahead and catch Peary, and Segloo, who afterwards went to the pole, responded, and after less than four hours' rest went on, covering about 20 more miles, and catching Peary at 84° 29'—that is, he came from about 83° 30' to 84° 29' (57 miles) with four hours' rest.

Again MacMillan and I reached the ship at Cape Sheridan from Cape Morris Jessup, nearly 300 geographical miles, in eight marches, and we took things easy at that. Twice we covered over 50 miles in a march.

Returning from 85° 23' with 3 Eskimos, 2 of whom were so badly laid out they couldn't walk, but had to be dragged on the sledge drawn by 16 of the worst dogs of the whole outfit, we reached land, 136 geographical miles away, in seven marches, and would have done it in less but for being delayed by open water.

We averaged 20 miles a day, almost a badly crippled outfit at that. Are Commander Peary's marches surprising when you remember his were the best Eskimos of the tribe, the dogs the pick of 240?

To sum up—Commander Peary was just great kindness and consideration personified, always going out of his way to help us, and the only trouble with his having found the pole is that we can never have the privilege of serving under such a wonderfully fine leader as he is again.

Thanks for your promise to let me know about the southern expedition, as, with Peary's methods, I think it would be a sure thing.

Yours, sincerely,

GEORGE BORUP.

BOSTON CITY CLUB,
 9 Beacon Street.

The fact that I have been with Commander Peary on all of his expeditions since 1897 must necessarily prove that I think highly of him.

The fact that nearly all the members of the expedition wanted to go with him again shows that there could be nothing but the most amiable relations.

The late Prof. Marvin thought so highly of Peary that he sacrificed a great many opportunities in order to make another voyage with him.

Dr. Wolf, the surgeon of 1906-7, tried very hard to go again, but could not get away on account of his practice. The chief engineer and Boese Murphy, also Steward Charles Percy, as well as members of the crew, have been with him since the Roosevelt was launched.

The late Capt. Harry Bartlett, who was drowned, had been with Peary twice; Capt. John Bartlett several times, giving up owing to age limit; and Capt. Samuel Bartlett was with him for a number of years, but did not feel like leaving his family, simply because they did not wish him to be away from his home during the winter.

I have merely quoted the above to demonstrate that the best of feeling must have existed between the commander and the members of his party at all times. One can be assured that the Eskimo would not work for him unless they had the highest regard for him.

My own estimation of Peary is hard to describe. I have more admiration for him than any man living. We have never had a hard word, and the same friendly relations existing between the commander and myself during all the years that I have been with him remain the same as when first I met him.

His kindly consideration of everyone under the most trying conditions was always marked; his orders were always given in the form of a request, and he always invited suggestions of the members of his party.

"When Jesus Christ was on earth He was not appreciated by many. He had to die to get recognition."

To know a man shorn of all frills, live with him in the Arctic and there you will see a man in his true light. A man may be an angel or act like one here, but up in the Arctic, where one comes in constant or daily contact with each other and have the same regard for his fellow man after as before, that man must be all right.

Time and time again Peary has gone out of his way to make things pleasant for us, doing without things himself so that we may have them. If the last drop of whisky was left in the bottle and a fellow wanted it, Peary would willingly give it. I have seen him when his igloo has been built make tea and give it to me. To tell of the many things that he has done for not only me but others of the party, would fill a large book.

In conclusion, I am perfectly satisfied with Peary's treatment of me. I never want to sail with a better man. A born leader of men. A man of master mind.

ROBERT A. BARTLETT,
 Sailing Master, Peary Arctic Club, Steamer Roosevelt.

NATIONAL GEOGRAPHIC SOCIETY,
 Washington, D. C., March 17, 1910.

HON. J. HAMPTON MOORE,
 House of Representatives, United States,
 Washington, D. C.

DEAR SIR: I have yours of this date.

The report submitted to the National Geographic Society November 4, 1909, certifying that "Commander Peary has submitted to this committee his original journal and records of observations, together with all his instruments and apparatus and certain of the most im-

portant of the scientific results of his expedition," and that "these have been carefully examined by your subcommittee, and they are unanimously of the opinion that Commander Peary reached the North Pole on April 6, 1909," to which report my name is attached, was, and still is, my unbiased statement of the records as I found them. This report made by me and my colleagues to the National Geographic Society November 4, 1909, was true and accurate, and since that date my opinion as to Mr. Peary's discovery has not in anywise changed, nor would it be changed if I should be called upon to make a report to the Congress of the United States.

Very truly, yours,

HENRY GANNETT,
President National Geographic Society.

2014 HILLIER PLACE NW.,
Washington, D. C., March 18, 1910.

DEAR MR. MOORE: I have your letter of the 17th. During the time when a controversy about the discovery of the North Pole was acute in this country I was in Europe and knew very little about it. I came back entirely unbiased and served on the committee in that frame of mind.

On the evidence before us I signed the report to the National Geographic Society with a full sense of its import. My opinion has undergone no change since the date of that report, and I am fully convinced that Peary reached the pole.

Yours, truly,

O. H. TITTMANN.

HON. J. HAMPTON MOORE, M. C.,
Washington, D. C.

MR. MOORE of Pennsylvania. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SAUNDERS].

MR. SAUNDERS. Mr. Speaker, wonderful indeed has been the progress of polar research during the last three decades. Even as a child I read with avid interest the fascinating story of man's efforts to wrest its secret from the frozen North and solve one of the mysteries of the ages by the discovery of the pole. It was a proud moment for every American when the news was flashed from the Arctic depths that the Stars and Stripes floated over the grinding floes and sullen waters that mark the most northern corner of the world, the goal for which so many brave men have struggled, and in whose quest so many precious lives have been risked and lost, through centuries of heroic endeavor. The bones of the men of many nations are strewn over those savage and melancholy wastes—Scandinavians, Russians, Italians, Englishmen, Dutchmen, Americans—all are there. Year by year, intrepid souls won nearer, and still nearer to the point of ultimate quest, ever hiding itself in the recesses of darkness, and apparently defying solution and discovery by mortal means. From her mysterious depths the Spirit of the North smote the men who challenged her secrets, with icy blasts, terrible as the gales on which death rides, or drove these rash intruders to madness, with the oppressive silence and awful monotony of her vast solitudes. But if nature was forbidding man was indomitable, and in the result victory was with man. Peary, the American, is a worthy successor of Parry, and Kane, and Markham, and Nansen, and Abruzzi, and a host of others. To-day the world honors him. We are asked to do the same. What shall we do with him? Either Peary has done this great thing, achieved this coveted distinction, and covered himself with that glory which others have essayed to win, or he is a shameless impostor, a daring fraud, a blot on the fame and the name of the American Navy. He is asked to submit living witnesses, as if, forsooth, he could call sojourners from the pole itself or "spirits from the vasty deep," and produce them by subpoena before a committee of this House. In the nature of things, his evidence must largely consist in the attendant circumstances, his scientific observations, and the credence that should be extended to a witness of established character for truth.

The savants, the explorers, and the scientific associations of the Old World, have accepted Peary's narrative as true, and have accorded to him the honor properly due his great achievement. A portion of his own people, a small section, it is true, of the American public, is disposed to discredit his claims. What is there in his narrative to raise a doubt about the bona fides of his story? True, if his observations were not taken on the ground, he is an impostor, but if they were taken as alleged, then it is a simple matter of scientific determination to check up those observations, and ascertain where they place the observer with relation to the pole.

Peary possessed every qualification necessary for a successful explorer in high latitudes. He had scientific knowledge, ample experience in polar exploration, the confidence of the natives, a cool and intrepid spirit, and a body seasoned by Arctic hardship. Nothing in his life suggests the charlatan, who is willing to attain a little cheap notoriety and ultimate disgrace, by imposing a series of pretended observations upon a credulous public. He has pursued the pole with the same single and undeviating purpose, with the same fixed absorption in his work, that marked Palissy's quest of the elusive secrets of the ceramic art, and he reached his goal through discouragements fully as great, as

those which obstructed the illustrious Frenchman. If proof of this great discovery rested wholly on Peary's unsupported word, even conceding that in a large sense he is an interested witness, surely an unblemished life, and a career of distinguished success in polar research, should induce the most skeptical to give credence to his claim. But he does not stand alone. He is supported by observations which competent scientific critics assert must have been taken at the times and places alleged in Peary's narrative.

Hugh C. Mitchell, an expert computer, is most explicit and emphatic in his statement that "it would have been impossible for the data of Peary's observations to have been obtained other than under the circumstances claimed." It is his judgment that they prove each other, and that error could be detected, had the observations not been made at the points set forth in the memorandum. In other words, in proof of his claim Peary submits certain observations, which he states were made at certain times, and under certain conditions, in his approach to the pole. The scientists proceed to examine these observations, and announce as a scientific conclusion that they could not have been taken save as claimed—that they prove themselves, and vindicate the explorer's statement. As a further conclusion, the scientists announce that the observations show that at the time they were taken, Peary was practically at the pole. Is there anyone in this body competent to challenge these conclusions? Is there anyone of standing in the scientific world, who has undertaken to challenge them, or to cast impugning doubt on Peary's claim? With unique tenacity and fixity of purpose Peary pursued his quest of the pole during 20 years of Arctic sojourn. Year by year he accumulated the experience so vital to success in the work to which he had devoted his life. Nor were these years barren of results in other directions. These results have been duly noted and appraised, by the scientific world. As he grew older, he lost something of the dash and fire which are attendant on youthful vigor, but he acquired a perfect knowledge of the Arctic service through the way of painful experience, and bitter hardship. Thus he was enabled, in his final preparations, to eliminate all dead weight, retaining in the lightest and most compact form, the supplies and equipment that were essential to ultimate success.

Evidently the Navy Department believed that they had found the man for the task, the man who combined in high degree scientific attainments with a practical working knowledge of the conditions under which the struggle for the pole must be prosecuted. The last words of the department, in its letter to Peary on the eve of his departure, are full of hope and encouragement. "You have," runs the letter, "the requisite courage, fortitude, and physique; you have had a longer term of service within the Arctic Circle than any other explorer, and you have had large experience in sledge journeying on the land, and upon the polar pack; you have demonstrated your ability to maintain yourself in that latitude for a longer period, in health and safety, than any other explorer; you have reduced the inconveniences and hardships of the Arctic service to the minimum. The attainment of the pole should be your main object. Nothing short will suffice. Our national pride is involved in the undertaking. This department expects that you will accomplish your purpose, and bring further distinction to a service of illustrious traditions." The President added, "I believe in you, Peary." Nor was this confidence misplaced.

Peary's life had been the life of an honorable man. His past work was rich in notable achievements. He had not only added immensely to our stock of geographical knowledge, but in 1906 had penetrated deeper into the Arctic Zone than any of his predecessors. His record of that date is 87° 6'. This record has never been challenged, any more than the records of Markham, Nansen, and the Duke of the Abruzzi. In his last trip it was no unfamiliar work that Peary undertook. He fully realized that this venture would be his final effort, and that if he failed to attain the pole, he would be out of the running, and in a sense his life, which had been consecrated to one task, would be a failure.

Hence he brought to this last cast all that the rich stores of experience, accumulated during two decades of struggle and hardship, could suggest as essential for success. His arrangements for supplies, dogs, and men were methodical and complete. His plans contemplated a camp at Cape Sheridan for winter quarters. From this camp supplies were to be transported to Cape Columbia, which was selected as the initial point for the final dash. These plans were executed with clock-like precision. During the long winter months of 1909, Eskimos and dogs were trained until the commander was satisfied that they were fit and ready for the task that confronted them. Peary's plan contemplated a succession of supporting parties, all designed to bring the party selected for the last dash, not

only within striking distance of the pole, but in the best possible condition, and amply supplied with fresh dogs and provisions. This plan was successfully worked out, and when Bartlett turned back he left Peary with "picked dogs, good sledges, and plenty of provisions for the final journey." At this time Peary was at 87° 47', or 133 miles from the pole. This is fixed by undisputed testimony, for it was at 87° 47' that Bartlett and Peary parted, after exchanging signed statements. No caviller at Peary's achievement, no antagonist, however disposed to discredit his narrative, but will be forced to admit that at this time Peary was not only nearer to the pole than any of his predecessors, but that he started on the final dash for the elusive object of his life's quest, with fairer hopes, and under more promising conditions of ultimate success, than any of those indomitable men who fought their way against bitter winds and moving floes, only to find that, with the pole in striking distance, lack of food and means of transportation, compelled them to abandon the adventure. Peary had everything that he needed in abundance. He was provided with dogs, provisions, and sleds. He was in rugged health, fit and ready for his work. Only 133 miles of broken ice stretched between him and his goal.

Why should it be deemed incredible that he planted the flag of our Nation at the very pole? All that man could do to prepare for this last leap into the dark had been done. Right to his hand, and in profusion, was everything required for success under the conditions that confronted him. His dogs were the best that the Arctic Circle could afford. His sleds were as perfect in construction, as the teachings of the combined experience of the white man and the Eskimo, could make them. His food supplies were the lightest in bulk, and the highest in nutrition, that could be obtained. His helpers had proved their worth during long years of severe trial, and arduous endeavor. In a word, when Peary parted from Bartlett he had everything that man could afford for final success, and if weather conditions were favorable for a few days, victory was in his grasp. In no wise did the surface to be traveled over, differ from that already traversed by the explorer and his companions, up to the fateful point of final separation, when the statements were exchanged, and the solemn farewells were uttered. From that time forward we must rely on Peary. And why not? He had risked his life a hundred times, he had dared a thousand dangers in his quest of the pole. Who believes that he was less willing to go forward, when the fruit of success was within his reach, ready for the plucking, than during the preceding years of disappointment, when the only certain things were danger, privation, and suffering? Who believes that after Bartlett left him, he went into camp, and, too slothful or too cowardly to prosecute his task, worked out in detail an elaborate fraud, subsequently rejoicing his companions with a detailed story of fictitious success, attained through fictitious dangers?

He tells us that he went forward; that fortune favored him; that no leads interposed to obstruct his journey with their black and forbidding waters; that the conditions underfoot permitted a swift and uninterrupted passage; and that in five marches he traversed the intervening distance, and reached the pole. If Peary did not reach the pole, and some other man must yet attain that undiscovered point, he must achieve success under precisely the same conditions that Peary alleges to have prevailed in his final dash. The plan to be pursued must be the same. A small party, well supplied with dogs, food, and equipment, must be placed in striking distance of the object sought. A race for the pole must then ensue, and with every energy strained to the breaking point, the explorer must make the outward and return trip over the intervening space, in the shortest possible time. If fortune favors, the trip may be made just as Peary alleges that he made it. So, after all, there is nothing incredible per se in his claim that he reached the Pole. Peary states that he covered 133 miles in five marches. This was a little over 26 miles per day, or unit march, and while this was good traveling, it was not exceptional or unusual, having in mind that the dogs were in first-class condition and the surface of the floes was of the same character as that already traveled. On his return over the same trail Peary covered 413 miles in 16 marches, or an average of 25½ miles per march, a much more remarkable performance, even over a partially beaten trail, than 133 miles in five marches, at a time when the explorer was keyed to the highest pitch of nervous energy. Bartlett returned from his farthest point, 87° 47', in the same number of marches as Peary did from that point, under harder conditions, for Peary's party had the benefit of a broken trail.

McMillan and Borup, two of Peary's men, with the same dogs used on the northern trip, covered between 275 and 300 miles over difficult ground in eight marches, or an average of

about 35 miles to the march. On more than one occasion, the two made over 50 miles in a march. Borup's own statement, which I reproduce in part, is ample evidence that Peary's daily average on the last dash was neither unusual, nor excessive:

ALTOONA, PA., March 11, 1910.

MR. GILBERT H. GROSVENOR,

National Geographic Society, Washington, D. C.

MR. DEAR MR. GROSVENOR: I have just received your letter, and am only too glad to do as you ask, and tell you what we fellows think of Commander Peary, and the wonderful kind way he treated us.

Do you suppose, for one minute, he could have gotten the work out of either the Eskimos, or ourselves, if he had been a grim martinet, or a tyrant? * * * If I started to tell you the numberless ways the Commander went out of his way to help us, I would have a book written, before I got through. During the whole trip, I never knew him to say a cross word to anyone, Eskimo, or white man, and the Lord knows we gave him occasion often enough to do so.

If you will excuse my continuing on another line, in regard to this Macon affair, about the distances we supporting parties went, when Marvin and I were trying to overhaul Peary, we covered about 40 miles in one day. Again McMillan and I reached the ship at Cape Sheridan, from Cape Jesup, nearly 300 geographical miles, in eight marches. Twice we covered over 50 miles in a march. Returning from 85° 23' with 3 Eskimos, 2 of whom were so badly laid out, that they could not walk, but had to be dragged on the sled by 16 of the worst dogs of the whole outfit, we reached land 136 geographical miles away, in 7 marches, and would have done it in less, but for being delayed by open water. We averaged 20 miles a day almost, with a badly crippled outfit at that. Are Commander Peary's marches surprising, when you remember his were the best Eskimos of the tribe, the dogs, the pick of 240. To sum up: Commander Peary was just great kindness and consideration personified, always going out of the way to help us, and the only trouble about his having found the pole, is that we can never have the privilege again, of serving under such a wonderfully fine leader as he is.

Yours, sincerely,

GEORGE BORUP.

Lieut. Shackleton's party made marches of 20, 26, and 29 miles in the Antarctic regions without dogs and dragging their own sledges. These figures fully show that under such conditions as prevailed, up to the time that Bartlett and Peary parted, the pole was within the reach of so experienced and intrepid an explorer as Peary, provided always that his equipment was adequate to the achievement. But in this respect no explorer was ever better supplied at the critical moment. Up to that time Peary's plans had been carried out with methodical precision. The supporting evidence to this effect is abundant, and complete. But when he parted from Bartlett, he plunged into the unknown, and his claims to final success, rest upon his own statements and observations. For while he had companions, their testimony can not be used to establish more than that they and Peary went forward in some direction, unknown to them, for five marches, before turning back. They were not competent to take independent observations, or to confirm those taken by Peary. Hence, save to prove the fact that five marches were made, and observations were taken, these witnesses must be discarded.

In the result, Peary and Peary's own observations must establish his case. It is admitted that he was competent to take observations, and if the observations submitted, were taken as alleged, then any competent scientist working them out, should be able to determine where they placed Peary on the earth's surface with relation to the pole. Peary submitted all of his papers, original data, daily journal, and notes of astronomical observations, and soundings, to a committee of this House. In addition, a report was submitted from the National Geographic Society of Washington, and one from the President, and one of the board of governors of the Royal Geographical Society of London. Through its computer, the latter society had made an independent examination of the data submitted.

Hugh C. Mitchell and C. R. Duvall, expert computers of astronomical observations, from the Coast and Geodetic Survey of the United States, also submitted a report. These men worked independently, but their conclusions tallied to a wonderful degree. Now, what are these conclusions, and where do they place Peary at the time the observations were taken? Mr. Mitchell and Mr. Duvall arrived at the position of Peary by independent methods, using, of course, the same observations. Their calculations agree within a second of latitude, and both computers are in accord in holding that the observations taken by Peary at Camp Jessup were latitude 89° 55' 23", longitude 137° west, thus placing Peary at the time, within 4.6 geographical miles of the pole. But this was not his closest approach. Mr. Mitchell further states that the observations taken at 6.40 o'clock on April 7, and Peary's subsequent travel for an estimated distance of 8 miles in the direction of the sun, indicate that he came within 1.6 miles of the pole. Indeed, witnesses say that Peary may have come within a stone's throw of his goal. The attention of the House is again called to the statement of the witness Mitchell that, in the light of his professional experience, it would have been impossible for the data of these observations to have been obtained other than under the circumstances claimed; that in using these obser-

vations in connection with each other, they in a measure prove each other, and that error could be detected had the observations not been made at the points set forth in the data. In other words, "the independent observations taken on the 6th and 7th, with the sun in the same direction, practically agree upon comparison."

The opposition to Peary seems unwilling to accord any formal recognition of his great achievement, on the ground that the evidence submitted does not establish that he reached the actual pole. That may be true, though the scientific witnesses concur that he may have been within a stone's throw of that point. But the pole can not be reached in the same sense, that the highest point of a mountain peak can be scaled. There is, of course, nothing to mark the pole. Its whereabouts must be located by scientific observations, and these observations are inevitably taken under conditions which render absolute exactness impossible. There is no standard by which the observer can check his instruments at the time of final observation.

The best instruments may be secured for this purpose, but before they are put to their final use, in the observations to locate the pole, considerable time has elapsed, during which they have been subjected to much rough travel. In addition, the haziness of the atmosphere, and the height of the sun, affect the accuracy of the observations. The errors may be slight, the wear and tear of the instruments may be barely appreciable, but when considered in connection with the effort to locate the whereabouts of an observer on the earth's surface, they are not negligible. As showing what this means, attention is called to the fact that after his return, Peary sent his standard chronometer to its makers for rating and comparison. When this instrument was examined before the expedition started it was found to have a predicted daily rate of 0.2 of a second losing. The comparison after the return, showed that the instrument had a daily rate of 2.2 seconds gaining. With this correction afforded, the computer, Mitchell, was able to ascertain that Peary's instrument was 10 minutes fast on the trip to the pole, and "the sun, instead of being observed on the assumed meridian 70, was observed 10 minutes before it reached that meridian." One effect of this error was in the assumed direction of the sun, it being really $2\frac{1}{2}^{\circ}$ east of south, when it was assumed that it was due south. This error in his chronometer, which was due to no fault of Peary and which he was absolutely unable to detect or correct, "carried him to the left, instead of in a direct line to the pole." Had his chronometer been correct, Peary's forward march from Camp Jessup would have carried the explorer directly over the pole. As it was, Peary made a "detour to the right on the succeeding day, which brought him within 1.6 miles of the exact pole."

Another thing not to be forgotten is that but little time is afforded for observations, when an explorer has reached the approximate location of the pole. He must work at high pressure all the while, and in every way expedite the date of his return. There is no quest in which luck plays so large a part as in the quest of the pole. The time within which the explorer must go forward and return, is within narrow limits. The floor over which he travels is treacherous and uncertain. At any moment a lead may open before the traveler, impossible to be crossed. When this occurs, he has simply to wait until it closes. His skill, experience, and fortitude are of no avail under such conditions. It is merely a question of patient expectation. If the lead remains impassable for any great length of time, the explorer must abandon the enterprise for that year, and return to his base. Peary's narrative reveals not only the uncertainties but the dreadful risks attendant on the enterprise that he was prosecuting. One night a lead opened at the very tent in which he was sleeping, and he awoke to find the waves almost lapping his sleeping bag. But if fortune frowns on the outward trip, the explorer, if balked of success, can at least return. A sterner prospect, and more untoward fate awaits the traveler, if he finds his way to the south barred on the return. Dismal and unescapable death will be his inevitable portion. Hence, when he has reached the approximate neighborhood of the pole, the explorer is so pressed for time, that he can not take the number of observations necessary to establish the location of the point sought, beyond a peradventure.

If he lingers to fix his whereabouts with absolute precision, even if that were possible, he would find himself cut off from his return, and unable, in the result, to furnish the world with the observations which he has garnered with such painstaking care. Nor is this refinement of detail necessary to enable a man to claim the glory that, in the world's estimation, attaches to the discovery of the pole. No more exact result will be required of him than is required of an observer under other, and more favorable conditions.

It is a well-recognized fact that exact results are not attainable as a result of observations. A matter of 1 or 2 miles, under favorable circumstances, is a fair allowance.

Dr. Nathaniel Bowditch, in the American Practical Navigator, an official publication of the United States Navy Department, states that—

In obtaining results in observations it is impossible to make exact allowance for error in chronometer and sextant, and error of refraction and observation. No navigator should ever assume that his position is not liable to be in error to some extent, the precise amount depending on various factors, such as the age of the chronometer rate, the quality of the various instruments, the reliability of the observer, and the conditions at the time the sight was taken. Perhaps a fair allowance for this possible error under favorable circumstances will be 2 miles; therefore instead of plotting a position upon the chart and proceeding with absolute confidence in the belief that the ship's position is on the exact point, one may describe around the point as a center a circle whose radius is 2 miles—if we accept that as the value of the possible error—and shape the future courses with the knowledge that the ship's position may be anywhere within the circle.

Peary undoubtedly reached a point so near the pole, that to all intents he reached the pole itself. His achievement has concluded for all time, a quest which has been pursued through many centuries by a host of explorers. His success was a fitting crown to a life of notable achievement, and it takes added value from the fact that it was obtained over apparently insuperable difficulties. In striking contrast with the churlish and skeptical attitude on the part of a portion of his own people, is the prompt, spontaneous, and generous recognition of his success by the world at large. While formal official action in this country has not proceeded further than the recommendations by the President, and the Secretary of the Navy, that a suitable recognition should be accorded, Peary has been the recipient of the following medals and honorary elections, in appreciation of his great work:

The special great gold medal of the Royal Geographical Society of London.

The special great gold medal of the National Geographic Society of Washington.

The special great gold medal of the Philadelphia Geographical Society.

The Helen Culver medal of the Chicago Geographical Society.

The honorary degree of doctor of laws from Bowdoin College.

Honorary member of the New York Chamber of Commerce.

Honorary member of the Pennsylvania Society.

The Nachtigall gold medal of the Imperial German Geographical Society.

The King Humbert gold medal of the Royal Italian Geographical Society.

The Hauer medal of the Imperial Austrian Geographical Society.

The gold medal of the Hungarian Geographical Society.

The gold medal of the Royal Belgian Geographical Society.

The gold medal of the Royal Geographical Society of Antwerp.

A special trophy from the Royal Scottish Geographical Society—a replica in silver of the ships used by Hudson, Baffin, and Davis.

The honorary degree of doctor of laws from the Edinburgh University.

Honorary membership in the Manchester Geographical Society.

Honorary membership in the Royal Netherlands Geographical Society of Amsterdam.

Other countries have not been backward in rewards and honors for their great explorers.

Shackleton was given \$100,000, and knighted. Parry, Franklin, Ross, McClure, McClintock, and Nares were all knighted for distinguished services in Arctic exploration, though, one and all, they failed to reach the goal which the last explorer successfully attained. It is no extravagant reward that it is proposed to bestow on Peary. He has the present rank of captain. I understand that if he had stayed at home during the 20 years he has spent in the shadow of the Arctic Circle, and served as chief of one of the bureaus at the Navy Department, pursuing the plodding round of routine duty, he would to-day have the rank of rear admiral. This bill proposes to retire him with that rank, with retired pay for that grade. The committee states that with this done, his income will be \$300 less per year, than the pay he is now receiving from salary and allowances under his present rank. Surely this attitude of opposition to the most distinguished of our explorers, the man who has brought to this country the "greatest geographical prize that remained to be struggled for," is an unworthy and ignoble one. While we are quibbling, and splitting hairs in the effort to decide whether Peary planted his flag on the pole, or missed it by a few miles to the right, or left, the nations of the world have done him rare and signal honor, and accepted, without captious inquiry into non-essential details, his claim to prior discovery of that mathematical point in the dreary hummocks, and broken flocks of the Arctic Ocean, which we entitle "the North Pole." Peary's detractors have undertaken to describe him as a martinet, or worse. They intimate that he was disliked by his men, and positively hated by the Eskimos. These charges are inconsis-

ent with the known facts. There was no compulsion upon the Eskimos to accompany the expedition or reasons why they should remain, save love of adventure, hope of reward, and the congenial character of the service. But on this point, as well as on the suggestion that Peary's treatment of Bartlett was selfish, and ungenerous, let Bartlett himself, as a witness, say the last word:

BOSTON CITY CLUB, BEACON STREET, 1910.

The fact that I have been with Commander Peary, on all of his expeditions, since 1897, must necessarily prove that I think highly of him. The fact, that nearly all of the members of the expedition, wanted to go with him again, shows that there could be nothing but the most amiable relations. * * * One can be assured, that the Eskimos would not have worked for him, unless they had the highest regard for him. My own estimation of Peary is hard to describe. I have more admiration for him, than for any man living. * * * His kindly consideration for everyone, under the most trying circumstances, was always marked. To know a man, shorn of all frills, live with him, in the Arctic. * * * If the last drop of whisky was left in the bottle, and a fellow wanted it, Peary would willingly give it to him. To tell of the many things he has done, not only for me, but for others of the party, would fill a large book. In conclusion, I am perfectly satisfied with Peary's treatment of me. I never want to sail with a better man, a born leader of men, a man of master mind.

(Signed) ROBERT A. BARTLETT,
Sailing Master, Peary Arctic Club, Steamer Roosevelt.

When an English court-martial ordered Admiral Byng to be shot, the sole comment of a witty Frenchman was, that the English had executed one admiral, in order to encourage the others.

Shall it be said of the people of the United States, that we are discrediting one explorer, in order to encourage exploration? This attitude is unworthy of us. Let us pass this bill, and in some measure make amends for our tardy recognition of a notable achievement. [Loud applause.]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I think I shall scarcely need that much time. I rise because in the absence of my fellow Presbyterian elder, the distinguished biblical scholar, the gentleman from Tennessee [Mr. PADGETT], who has charge of the time on the other side, a remark was made during the address of the gentleman from Arkansas [Mr. MACON], which I know would have caught the attention of the gentleman from Tennessee if he had been here. Therefore I desire in his behalf and in my own, and in behalf of the biblical scholars of the House, of whom I am the least, to correct the statement I caught as made by the gentleman from Arkansas, who spoke of the beautiful song of the angels, "Peace on earth, good will toward men," as having been made at Mount Sinai. I desire to read, not for the information of the House, but so that the impression shall not go out that the Members of the House were not aware of the distinction between the two places and events, one or two verses from the nineteenth chapter of Exodus and a few verses thereafter from a chapter in St. Luke:

In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they into the wilderness of Sinai.

For they were departed from Rephidim, and were come to the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount.

And Moses went up unto God, and the Lord called unto him out of the mountain, saying: Thus shalt thou say to the house of Jacob, and tell the children of Israel.

The rest of the nineteenth chapter contains the preliminary to the Ten Commandments, and the twentieth chapter, as everyone in the House knows, contains the Ten Commandments, with some matters in succession.

I now wish to refer to the second chapter of St. Luke, eighth and succeeding verses:

And there were in the same country shepherds abiding in the field, keeping watch over their flocks by night.

And, lo, the angel of the Lord came upon them, and the glory of the Lord shone round about them, and they were sore afraid.

And the angel said unto them, Fear not; for, behold, I bring you good tidings of great joy, which shall be to all people.

For unto you is born this day in the city of David a Saviour, which is Christ the Lord.

And this shall be a sign unto you: Ye shall find the babe wrapped in swaddling clothes, lying in a manger.

And suddenly there was with the angel a multitude of the heavenly host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men."

Mr. Chairman, it is of but trifling moment, in a way, whether Commander Peary reached the pole. It is of much greater importance, it seems to me, that this House should not let pass such a great divergence from strict biblical, historic accuracy, and in order that there may be no mistake about it, I ask unanimous consent that the nineteenth and twentieth chapters of Exodus and the entire second chapter of St. Luke may be inserted in the RECORD as an appendix to my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The chapters referred to are as follows:

EXODUS XIX.

1 The people come to Sinai. 3 God's message by Moses unto the people out of the mount. 8 The people's answer returned again. 10 The people are prepared against the third day. 12 The mountain must not be touched. 16 The fearful presence of God upon the mount. In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they into the wilderness of Sinai.

2 For they were departed from Rephidim, and were come to the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount.

3 And Moses went up unto God, and the Lord called unto him out of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel:

4 Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself.

5 Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine:

6 And ye shall be unto me a kingdom of priests, and a holy nation. These are the words which thou shalt speak unto the children of Israel.

7 ¶ And Moses came and called for the elders of the people, and laid before their faces all these words which the Lord commanded him.

8 And all the people answered together, and said, All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord.

9 And the Lord said unto Moses, Lo, I come unto thee in a thick cloud, that the people may hear when I speak with thee, and believe thee for ever. And Moses told the words of the people unto the Lord.

10 ¶ And the Lord said unto Moses, Go unto the people, and sanctify them to-day and to-morrow, and let them wash their clothes,

11 And be ready against the third day: for the third day the Lord will come down in the sight of all the people upon Mount Sinai.

12 And thou shalt set bounds unto the people round about, saying, Take heed to yourselves, that ye go not up into the mount, or touch the border of it: whosoever toucheth the mount shall be surely put to death:

13 There shall not a hand touch it, but he shall surely be stoned, or shot through; whether it be beast or man, it shall not live: when the trumpet soundeth long, they shall come up to the mount.

14 ¶ And Moses went down from the mount unto the people, and sanctified the people; and they washed their clothes.

15 And he said unto the people, Be ready against the third day: come not at your wives.

16 ¶ And it came to pass on the third day in the morning, that there were thunders and lightnings, and a thick cloud upon the mount, and the voice of the trumpet exceeding loud; so that all the people that *was* in the camp trembled.

17 And Moses brought forth the people out of the camp to meet with God: and they stood at the nether part of the mount.

18 And Mount Sinai was altogether on a smoke, because the Lord descended upon it in fire: and the smoke thereof ascended as the smoke of a furnace, and the whole mount quaked greatly.

19 And when the voice of the trumpet sounded long, and waxed louder and louder, Moses spake, and God answered him by a voice.

20 And the Lord came down upon Mount Sinai, on the top of the mount: and the Lord called Moses up to the top of the mount; and Moses went up.

21 And the Lord said unto Moses, Go down, charge the people, lest they break through unto the Lord to gaze, and many of them perish.

22 And let the priests also, which come near to the Lord, sanctify themselves, lest the Lord break forth upon them.

23 And Moses said unto the Lord, The people can not come up to Mount Sinai: for thou chargedst us, saying, Set bounds about the mount, and sanctify it.

24 And the Lord said unto him, Away, get thee down, and thou shalt come up, thou, and Aaron with thee: but let not the priests and the people break through to come up unto the Lord, lest he break forth upon them.

25 So Moses went down unto the people, and spake unto them.

EXODUS XX.

1 The ten commandments. 18 The people are afraid. 20 Moses com-fortheth them. 22 Idolatry is forbidden. 24 Of what sort the altar should be.

And God spake all these words, saying,

2 I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage.

3 Thou shalt have no other gods before me.

4 Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth:

5 Thou shalt not bow down thyself to them, nor serve them: for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me:

6 And shewing mercy unto thousands of them that love me, and keep my commandments.

7 Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that taketh his name in vain.

8 Remember the sabbath day, to keep it holy.

9 Six days shalt thou labour, and do all thy work:

10 But the seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates:

11 For in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the Lord blessed the sabbath day, and hallowed it.

12 ¶ Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee.

13 Thou shalt not kill.

14 Thou shalt not commit adultery.

15 Thou shalt not steal.

16 Thou shalt not bear false witness against thy neighbour.

17 Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor's.

18 ¶ And all the people saw the thunderings, and the lightnings, and the noise of the trumpet, and the mountain smoking: and when the people saw it, they removed, and stood afar off.

19 And they said unto Moses, Speak thou with us, and we will hear: but let not God speak with us, lest we die.
 20 And Moses said unto the people, Fear not: for God is come to prove you, and that his fear may be before your faces, that ye sin not.
 21 And the people stood afar off, and Moses drew near unto the thick darkness where God was.
 22 ¶ And the Lord said unto Moses, Thus thou shalt say unto the children of Israel, Ye have seen that I have talked with you from heaven.
 23 Ye shall not make with me gods of silver, neither shall ye make unto you gods of gold.
 24 ¶ An altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings, and thy peace offerings, thy sheep, and thine oxen: in all places where I record my name I will come unto thee, and I will bless thee.
 25 And if thou wilt make me an altar of stone, thou shalt not build it of hewn stone: for if thou lift up thy tool upon it, thou hast polluted it.
 26 Neither shalt thou go up by steps unto mine altar, that thy nakedness be not discovered thereon.

ST. LUKE II.

1 *Augustus taxeth all the Roman empire.* 6 *The nativity of Christ.*
 8 *One angel relateth it to the shepherds: 13 many sing praises to God for it.* 21 *Christ is circumcised.* 22 *Mary purified.* 28 *Simeon and Anna prophesy of Christ: 40 who increaseth in wisdom, 46 questioneth in the temple with the doctors, 51 and is obedient to his parents.*
 And it came to pass in those days, that there went out a decree from Cesar Augustus, that all the world should be taxed.
 2 (And this taxing was first made when Cyrenius was governor of Syria.)
 3 And all went to be taxed, every one into his own city.
 4 And Joseph also went up from Galilee, out of the city of Nazareth, into Judea, unto the city of David, which is called Bethlehem, (because he was of the house and lineage of David,)
 5 To be taxed with Mary his espoused wife, being great with child.
 6 And so it was, that, while they were there, the days were accomplished that she should be delivered.
 7 And she brought forth her firstborn son, and wrapped him in swaddling clothes, and laid him in a manger; because there was no room for them in the inn.
 8 And there were in the same country shepherds abiding in the field, keeping watch over their flock by night.
 9 And, lo, the angel of the Lord came upon them, and the glory of the Lord shone round about them; and they were sore afraid.
 10 And the angel said unto them, Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people.
 11 For unto you is born this day in the city of David a Saviour, which is Christ the Lord.
 12 And this shall be a sign unto you; Ye shall find the babe wrapped in swaddling clothes, lying in a manger.
 13 And suddenly there was with the angel a multitude of the heavenly host praising God, and saying,
 14 Glory to God in the highest, and on earth peace, good will toward men.
 15 And it came to pass, as the angels were gone away from them into heaven, the shepherds said one to another, Let us now go even unto Bethlehem, and see this thing which is come to pass, which the Lord hath made known unto us.
 16 And they came with haste, and found Mary and Joseph, and the babe lying in a manger.
 17 And when they had seen it, they made known abroad the saying which was told them concerning this child.
 18 And all they that heard it wondered at those things which were told them by the shepherds.
 19 But Mary kept all these things, and pondered them in her heart.
 20 And the shepherds returned, glorifying and praising God for all the things that they had heard and seen, as it was told unto them.
 21 And when eight days were accomplished for the circumcising of the child, his name was called Jesus, which was so named of the angel before he was conceived in the womb.
 22 And when the days of her purification according to the law of Moses were accomplished, they brought him to Jerusalem, to present him to the Lord;
 23 (As it is written in the law of the Lord, Every male that openeth the womb shall be called holy to the Lord;) *and to offer a sacrifice according to that which is said in the law of the Lord, A pair of turtledoves, or two young pigeons.*
 24 And, behold, there was a man in Jerusalem, whose name was Simeon; and the same man was just and devout, waiting for the consolation of Israel: and the Holy Ghost was upon him.
 25 And it was revealed unto him by the Holy Ghost, that he should not see death, before he had seen the Lord's Christ.
 26 And he came by the Spirit into the temple: and when the parents brought in the child Jesus, to do for him after the custom of the law,
 27 Then took he him up in his arms, and blessed God, and said,
 28 Lord, now lettest thou thy servant depart in peace, according to thy word:
 29 For mine eyes have seen thy salvation,
 30 Which thou hast prepared before the face of all people;
 31 A light to lighten the Gentiles, and the glory of thy people Israel.
 32 And Joseph and his mother marvelled at those things which were spoken of him.
 33 And Simeon blessed them, and said unto Mary his mother, Behold, this child is set for the fall and rising again of many in Israel; and for a sign which shall be spoken against;
 34 (Yea, a sword shall pierce through thy own soul also;) that the thoughts of many hearts may be revealed.
 35 And there was one Anna, a prophetess, the daughter of Phanuel, of the tribe of Aser: she was of a great age, and had lived with a husband seven years from her virginity;
 36 And she was a widow of about fourscore and four years, which departed not from the temple, but served God with fastings and prayers night and day.
 37 And she coming in that instant gave thanks likewise unto the Lord, and spake of him to all them that looked for redemption in Jerusalem.
 38 And when they had performed all things according to the law of the Lord, they returned into Galilee, to their own city Nazareth.
 39 And the child grew, and waxed strong in spirit, filled with wisdom; and the grace of God was upon him.

41 Now his parents went to Jerusalem every year at the feast of the passover.
 42 And when he was twelve years old, they went up to Jerusalem after the custom of the feast.
 43 And when they had fulfilled the days, as they returned, the child Jesus tarried behind in Jerusalem; and Joseph and his mother knew not of it.
 44 But they, supposing him to have been in the company, went a day's journey; and they sought him among their kinsfolk and acquaintance.
 45 And when they found him not, they turned back again to Jerusalem, seeking him.
 46 And it came to pass, that after three days they found him in the temple, sitting in the midst of the doctors, both hearing them, and asking them questions.
 47 And all that heard him were astonished at his understanding and answers.
 48 And when they saw him, they were amazed: and his mother said unto him, Son, why hast thou thus dealt with us? behold, thy father and I have sought thee sorrowing.
 49 And he said unto them, How is it that ye sought me? wist ye not that I must be about my Father's business?
 50 And they understood not the saying which he spake unto them.
 51 And he went down with them, and came to Nazareth, and was subject unto them: but his mother kept all these sayings in her heart.
 52 And Jesus increased in wisdom and stature, and in favour with God and man.

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GRIEST].

Mr. GRIEST. Mr. Chairman, the naval appropriation bill as reported from the Committee on Naval Affairs to this House carries an appropriation of \$125,421,538.24 for the fiscal year 1912. On page 22 of the committee report on this bill an interesting table shows that the Naval Establishment of the United States from 1883 to 1910, inclusive, has cost the people \$1,711,593,725.16. In addition to this enormous total of one and three-quarter billion dollars' expenditure in preparation for possible war in a quarter of a century by the Navy alone there have been as many millions more expended through the medium of the Army and the fortifications appropriation bills and other measures, while very small expenditures of public funds have been authorized for the promotion of international arbitration or universal peace.

On January 10, 1911, I introduced in this House the following proposed joint resolution providing for the promotion of universal peace among nations by commemorating the one hundredth anniversary of the signing of the treaty of Ghent:

Joint resolution (H. J. Res. 263) creating a commission to consider and report upon a plan for the promotion of universal peace among nations by commemorating the one hundredth anniversary of the signing of the treaty of Ghent.

Resolved, etc., That the President of the United States be, and he is hereby, authorized to appoint a commission consisting of five persons to consider and determine upon a plan for the promotion of universal peace among nations by commemorating, in the city of Washington, D. C., the one hundredth anniversary of the signing of the treaty of Ghent.

SEC. 2. That said commission shall submit to Congress a report on or before the first Monday in February, 1912.

SEC. 3. That to enable said commission to carry out the purposes of this act the sum of \$5,000, or as much thereof as may be necessary, is hereby authorized to be expended. The members of said commission shall serve without compensation, but shall be allowed their necessary expenses, and disbursements authorized under this act shall be made by the Secretary of the Treasury on vouchers approved by the chairman of said commission.

The Committee on Foreign Affairs approved the idea of providing for a proper celebration of the centennial of the treaty of Ghent, and submitted the following report to this House by Mr. BENNET of New York:

The Committee on Foreign Affairs, to whom was referred the joint resolution (H. J. Res. 263) providing a commission to consider and report upon a plan for the promotion of universal peace among nations by commemorating the one hundredth anniversary of the signing of the Treaty of Ghent, report the following substitute resolution and recommend that it do pass:

Resolved, etc., That the commission heretofore authorized by public resolution No. 47, Sixty-first Congress, second session, to consider and determine upon a plan for the promotion of universal peace among nations, shall submit to Congress a report on or before the first Monday in February, 1912, containing a plan for the commemoration of the one hundredth anniversary of the signing of the treaty of Ghent.

On Christmas eve, December 24, 1814, the treaty of Ghent was concluded, and in 1914 we will have enjoyed a century of peace between the United States and Great Britain. That fact has stirred the people of both countries to commemorate the centennial of peace as a triumph, and as a means of promoting world-wide peace.

Many patriotic bodies have advanced suggestions for the commemoration of this century of peace, and the following resolution, unanimously adopted by the Sixteenth Annual Meeting of the Lake Mohonk Conference on International Arbitration, in 1910, is worthy of special mention:

Resolved, That a committee be appointed to consider the best method of properly celebrating the completion of 100 years of peace between the two English-speaking peoples of the Western Hemisphere; that such committee have power to add to its number and to cooperate with other committees appointed for the same purpose in this country and Great Britain and the Dominion of Canada; that it report at the next conference.

Your committee believe that the commemoration of this century of peace will be a significant event in the history of the two countries, and that through the instrumentality of such a celebration the cause of universal peace could be promoted, and at the same time the cordial rela-

tions which have existed between the two English-speaking nations would be further cemented.

Therefore, in order that the event may be celebrated in a manner worthy of the cause of peace among nations, the committee recommend favorable action on the resolution.

Since introducing the resolution in the House, there have come to my attention many evidences of the public opinion and manifest interest favorable to the holding of a national celebration in commemoration of this century of peace. Leaders in the movement for international arbitration and universal peace have devoted much intelligent thought to the subject. Many worthy suggestions have been advanced. Both the American Peace Society and the Lake Mohonk Conference on International Arbitration, as well as a number of other patriotic bodies in the United States and Canada, have officially commended the proposed peace celebration. It is fitting that the Government of the United States should place its seal of approval upon this meritorious suggestion.

There is a growing public sentiment for international arbitration and universal peace. Many who favor these great causes are inclined to seriously question the policy of expending large sums of money for the construction of powerful warships to insure national defense and peace. This is a costly form of insurance against the horrors of war. As a splendid illustration of a better and more economical method of maintaining peace, the American people can turn backward a century and point to the treaty of Ghent which was concluded by the peace commissioners of the United States and Great Britain on Christmas eve, December 24, 1814. Nearly 100 years have passed since that treaty was concluded, and in this century of peace neither country has been compelled to expend vast sums of money from the public treasury, either on the high seas or the Great Lakes, in preparation for a possible war between Canada and the United States.

During this period of peace the people of the United States and Canada have enjoyed great prosperity and a marvelous growth along more than 3,000 miles of our northern boundary, and this long-continued friendship and amity constitute a powerful argument in behalf of the reciprocity now pending between these two nations.

There have been boundary disputes and fishery disputes, but the people of Canada and the United States have arbitrated these and have lived in neighborly friendship. There has been cultivated a sentiment and public opinion favoring the continued preservation of peace and harmony in the common interest of humanity, and this fraternal association is a barrier against the evils and horrors of war. The example which the two great English-speaking nations of the earth have thus rendered conspicuous by a century of peace should be fittingly commemorated in such manner as to commend to all the nations of the world the advantages of international arbitration and universal peace.

In substantiation of my statement that there is a genuine public sentiment favorable to a celebration of the centennial of the treaty of Ghent, so as to promote peace and emphasize its benefits, I shall insert in the RECORD as a part of my remarks excerpts from letters and newspaper clippings, collated by the Rev. Dr. James L. Tryon, all of which show a strong sentiment favoring the celebration of 100 years of peace.

First, however, I desire to call the attention of the Congress and the country to the gratifying fact, so I am advised by the honorable Secretary of State, that—

In the opinion of the State Department, the proposal to celebrate in a fitting manner the one hundredth anniversary of the signing of the treaty of Ghent appears to be eminently desirable.

The Rev. Dr. James L. Tryon, of the American Peace Society, writes:

THE AMERICAN PEACE SOCIETY,
Boston, Mass., February 4, 1911.

Hon. W. W. GRIEST,
The Congressional, Washington, D. C.

DEAR MR. GRIEST: * * * Speaking on my own authority, I approve the idea of putting the duty of making the preliminary arrangements for the celebration on the United States Peace Commission. It could easily organize a department for this purpose and collect sentiments and suggestions or do whatever may be required on the part of the United States to make ready for the celebration in its early stages. Again, it would be a concrete line of work for the commission to take up, and would be a practical form of promoting peace and fraternity. No better preparation for world peace can be made than to promote the heart unity of the English-speaking peoples. Their example can not fail to have profound influence upon the rest of the world. A special commission on the celebration would probably be needed later and should now be appointed if the United States Peace Commission is not to be instituted.

Sincerely, yours,

JAMES L. TRYON, Assistant Secretary.

As indicated by Rev. Dr. Tryon, numerous suggestions have been made as to the manner in which the centenary should be celebrated. The peace commission, if Congress approves the resolution, will be able to officially review the various suggestions, and can recommend a form of celebration in which this significant anniversary should be commemorated.

Hon. John W. Foster, ex-Secretary of State, says:

I have read with much interest the letters from prominent public men indorsing the proposed centennial celebration of unbroken peace between the United States and Great Britain. This celebration is especially called for because of the disarmament agreement on the Great Lakes, which is a striking object lesson for the great powers now engaged in the mad competition for big navies.

I heartily agree with the suggestion that the centennial celebration should be turned to some lasting benefit to the two nations, and what better movement can be inaugurated than one for the negotiation of a permanent treaty of arbitration of an unlimited character? In the century since the treaty of peace the two Governments have settled by arbitration a great variety of questions, involving almost every known cause of war, including territorial disputes, vital interests, and national honor. Many years ago President Grant advocated unlimited international arbitration, and now that President Taft has publicly favored the elimination of national honor from arbitration treaty restrictions, it is a fitting time to usher in the peace centennial with the consummation of such an arbitration treaty for these kindred peoples.

Hon. ELIHU ROOT, United States Senator, ex-Secretary of State, says:

I really do not know what to say as to what should be done to celebrate the 100 years' peace between the United States and Great Britain. We certainly ought to have a celebration which will emphasize the preservation of peace for that long period, and the value of the self-control which has accomplished that great victory over the selfish and belligerent instincts of two very self-assertive peoples. Just what form the celebration should take will, I suppose, have to be a matter of consultation between the representatives of the United States and Great Britain and her American colonies.

John Bassett Moore, LL. D., professor of international law in Columbia University, ex-Assistant Secretary of State, says:

I am heartily in favor of the proposal to celebrate, at the proper time and in an appropriate way, the continuance of unbroken peace between the United States and Great Britain for a hundred years. Nor could this, I think, be more effectively done than by commemorating throughout the two countries, on an appointed day, the important settlements that made peace between them possible, and, as those settlements were chiefly arbitral, by exchanging on that day the ratifications of a permanent treaty of arbitration which shall sum up and worthily crown the achievements of the past and furnish a pledge of unbroken peace for the future.

Leo S. Rowe, LL. D., professor of political science in the University of Pennsylvania, says:

In reply to the request contained in your letter of October 11, it occurs to me that an international conference of Canadian and American universities and colleges would be a most fitting way in which to commemorate this great anniversary. The universities are the most important agencies in bringing about closer intellectual relations between nations, and through these agencies we can avoid some of the most fruitful causes of misunderstanding and misconception. At a conference such as that proposed, plans for an interchange of professors and students might well be discussed.

It would also be possible in the sectional meetings to take up concrete questions in the domain of pure and applied science, jurisprudence, and political science.

Principal J. Estlin Carpenter, D. D., Manchester College, Oxford, England, says:

I trust that the centennial of peace between Great Britain and the United States in December, 1914, may be celebrated on both sides of the Atlantic. It is one of the most splendid facts in the history of the last hundred years that on a land and water frontier of thousands of miles tranquillity has been maintained without fortresses or fleets. An immense political experiment has been tried on the scale of a vast continent, with international results of the highest value. The idea of war between the two nations has become so abhorrent alike to our worthiest statesmanship and our best popular feeling that it may be dismissed altogether as a moral impossibility. All the more need is there to carry this spirit of good will into our relations with other great states and powerful governments. Much must yet be done to educate the English conscience in this matter, and the best method is to show what actually has been accomplished. By calling the attention of our whole people to the happy issue of a hundred years of peace between this country and the mighty North American Republic, the promoters of the centennial will render most valuable service to the sacred cause of "peace on earth, good will toward men."

Hon. Andrew D. White, LL. D., ex-ambassador, chairman of the American delegation to the First Hague Conference, says:

Referring to your letter of July 30, I am especially glad to hear from you of the plan for the centennial celebration of the Peace of Ghent. From every point of view it seems to me wise. We have had much centennial rejoicing over various battles; let us now recall the fact that, despite demagogues on both sides, peace has been maintained for 100 years. Surely, anything that reminds us of that great fact can not fail to produce good effects, and one of them would be sturdy and spirited resistance to all efforts tending to put an end to the era of good will which has brought to both the countries concerned so many blessings.

Hon. Richard Olney, ex-Secretary of State, says:

The suggestion of a celebration of the making of the treaty of Ghent and of the 100 years of peace that have followed appeals to me strongly. The celebration should be national in character and should be of a nature and on a scale commensurate with the great place in the world occupied by the English-speaking countries who engage in it. Three things about the treaty of Ghent make it noteworthy and its commemoration peculiarly desirable. It ended a war; it was the first step toward a real revival of kindly feeling between two great branches of the English race; and by its exclusion of warships from the Great Lakes it has presented an enduring object lesson of what two countries peacefully disposed may accomplish toward keeping war at a distance. The warship clause of the treaty has been described as a "self-denying ordinance." The description is correct if it is well to encourage the fighting spirit by a preparedness for fighting, which necessarily acts as a temptation to fight. On the other hand, the description is incorrect and the warship clause spells not sacrifice, but an enlightened view of

self-interest, if peace is the true national policy and is promoted by any expedient that delays and obstructs hostile outbreaks and gives time for passions to cool and reason to reassert itself.

R. L. Borden, M. P., leader of the Conservative Party in Canada, says:

The time will soon be at hand when the Empire and the Republic may each hang upon the other's portal the garland of a century's peace. There have been differences, heartburnings, even threatenings, but, blessed be the peacemakers, there has been no conflict. It is not open to question that the anniversary should be worthily commemorated. In each country some splendid permanent memorial should be erected. But I trust that the day will be proclaimed as a national thanksgiving in both countries; that in every city, town, and village the bells will ring out their tones of rejoicing, and that the voice of praise and thanksgiving will be heard in the churches.

Canada, firmly bound to the Empire by the ties of fealty, freedom, and love, while closely associated with the Republic by constant social and commercial intercourse and by the bonds of mutual respect and good will, is clearly conscious of her responsibilities to each; and no higher responsibility is or can be hers than to aid in maintaining and strengthening during all the glorious years to come the peace and amity which have been so happily preserved during the 100 years soon to be celebrated.

Prof. Thomas J. Lawrence, LL. D., author of *The Principles of International Law, England*, says:

I can add but two suggestions to those already before you:

1. Disseminate far and wide in popular form a short record of the arbitrations between the two countries since 1814, noting especially the development of the arbitral process from a reference to a friendly potentate to a trial before an impartial tribunal learned in international jurisprudence.

2. A vivid representation by tableaux or otherwise of the great deeds done by pioneers of civilization on both sides of the frontier during the past century. People who saw the wagons on the Oregon trail or the Canadian mounted police at Klondike would cease to believe that war alone can make heroes.

President Abbott Lawrence Lowell, Harvard University, Cambridge, Mass., says:

Your plan for a commemoration of the one-hundredth anniversary of the treaty of peace between Great Britain and the United States, after the War of 1812, seems to me an excellent one, and I am not at all sure that the actual anniversary of the treaty, that is, December, 1914, would be a bad time for it. However, that is an unimportant matter.

The century of peace along our great frontier of 3,000 miles long is certainly a very notable event in the world's history, and there has never, perhaps, been a time within that century when the prospects of an indefinite continuance of that peace have been brighter than they are at the present day.

The provision in the treaty forbidding the maintenance of naval fleets upon the Great Lakes is in itself a matter that deserves commemoration. How many people would have expected at the time that the provision would be scrupulously observed for a century!

I think you are quite right, also, as a matter of sentiment and policy, in excluding all military forms of demonstration from the occasion. One of the things that might be commemorated would be the growth and mutual assistance of our educational institutions within that period, and in this the universities of the United States and Canada could help.

Cardinal Gibbons says:

I take great pleasure in concurring with the views of the distinguished gentlemen in recommending the commemoration of the one-hundredth anniversary of the treaty of peace which was signed between Great Britain and the United States in 1814. This celebration will not only record a memorable pacific event, but it will serve to ratify and consolidate a lasting peace between these two great nations.

And I am persuaded that England and America, by maintaining peace between themselves, will, at the same time, be the guardians and sentinels of peace and good will among the nations of the earth. Such now, thank God, is the influence and prestige of these two English-speaking nations that few powers will venture to plunge into the sea of strife so long as our country and England shall say to them, "Peace, be still," and "Thus far you shall come, and you shall go no farther, and here you shall break your swelling waves"—of discord.

Hon. RICHARD BARTHOLOMEW, Member of Congress, president of the American Group of the Interparliamentary Union, says:

There is in all history no lesson as instructive as is the agreement between the United States and Great Britain with respect to Canada. The two great countries, 96 years ago, agreed by treaty to withdraw the soldiers from the boundary line between Canada and the United States, to dismantle the forts, and police the lakes by means of a few gunboats on each side, armed by 1 small gun and 20 men each. This treaty has been the means of permanent peace between Canada and the United States, and to arrange on the eve of the third Hague conference an impressive celebration of this historical event is a splendid idea, because it will carry the lesson that the peace between all of the other nations could be safeguarded in exactly the same manner. I trust the centennial will be celebrated in a way worthy of its significance, and may serve as an example in the future, so that peaceful achievements may be commemorated in preference to the triumphs of bloody war.

J. Arthur Favreau, secretary of the Société Historique Franco-Américaine, Boston, Mass., says:

The proposal to celebrate the century of peace between the United States and Great Britain in 1914 will undoubtedly appeal most strongly to the 1,200,000 French-Americans of Canadian extraction now living in the United States, and to their brothers who have remained in Canada. In the War of 1812 the French-Canadians, having sworn allegiance to England, loyally did their duty by bearing arms for her, notably at Chateauguay. And to-day their descendants on both sides of the frontier will be doing their duty by lending a warm support to the proposed centennial.

Such a celebration would surely strengthen the bonds of friendship and good will which 100 years of peace have wrought between the two branches of the Anglo-Saxon race that had recourse to bloody war in settling their former differences. It should be doubly inspiring to the Americans and Canadians of the French race, since it would tend to render more remote than ever the prospect of another war between the

two nations of which they now, respectively, form a part, of a war which would of necessity array against each other in heart-rending strife 3,000,000 of people who have had no quarrel between themselves, but have become separated merely through economic reasons.

Dr. Albert Bushnell Hart, professor of government in Harvard University, says:

The suggestion for the celebration of a century of peace between the United States and Great Britain is one which emphasizes the practical possibility of two great nations adjacent in territory, with many rival interests, and even with a tradition of hostility, going on, decade after decade, without armed collision. If numerous questions of boundary, of jurisdiction, of maritime rights, of neutral obligation, can be so long adjusted by two such powerful nations, the era of peace is approaching. There have been several war clouds upon this fair prospect, but each has disappeared before the desire of the two peoples, as represented by their greatest statesmen, to remain friends. No two nations in the world have ever harmonized so many apparently insoluble difficulties by arbitration or by mutual concessions and agreements. Each of them has had its wars, but, thank heaven, they have not been wars between the two great branches of the Anglo-Saxon race.

Lee S. Smith, ex-president Chamber of Commerce, Pittsburg, Pa., chairman of committee on foreign relations and commerce, says:

I heartily indorse not only personally, but in the name of the Chamber of Commerce of Pittsburg, your proposed conference in Canada, and anything else that tends to bring about this greatly to be desired result.

The idea of such a thing as war being possible in this twentieth century is absolutely revolting to my sense of right. I served my country in the sixties during the Civil War, but, looking back upon it now, I can only think of the horrors of war as described by Sherman as being hell, and sincerely trust and pray that no such condition may ever be possible again.

D. J. Jack, historian and secretary of the New Brunswick Loyalists' Society, St. John, New Brunswick, says:

I do not know of any surer step toward that universal peace which all true Christians desire than an amalgamation of English-speaking races, which, in turn, must be advanced by thanksgiving for a century of friendly international relationship as proposed by the American Peace Society.

As a lineal descendant of men and women who left what is now the United States of America in 1783 to begin life anew on British soil, nothing would give greater pleasure than to see the descendants of both parties in that memorable struggle united in a brotherhood having for its ultimate object the guaranty of the world's peace.

Rev. Francis E. Clark, D. D., LL. D., president United Society of Christian Endeavor, Boston, says:

As one who was born on the Canadian side of the imaginary line which divides the two great nations of North America and yet is a descendant of eight generations of Massachusetts ancestors, I rejoice to express my sympathy with the movement to celebrate the centenary of peace between Great Britain and the United States.

The fact that two great nations can live side by side for 100 years without any forts or naval armaments to keep the peace is a lesson which ought to be impressed upon the whole world; and this celebration will do much to make this impression.

I am sure I can speak for the three and a half millions of Christian Endeavorers in the United States, Canada, and Great Britain, who belong to an organization that stands preeminently for peace, fellowship, and good will, when I say that, without exception, they, too, will rejoice in the celebration of 100 years of peace.

[United States-Canadian peace centenary.—From the Advocate of Peace, September, 1910.]

HISTORY OF THE MOVEMENT.

Much interest is being manifested both in this country and in Canada in the proposed celebration of the century of peace between the United States and Great Britain since the War of 1812.

The suggestion made at the Harvard commencement last year by Hon. W. Lyon Mackenzie King, Canadian minister of labor, that a memorial bridge be built over the Niagara River has been favorably received. It was practically the starting point of the idea of the celebration, although others than Mr. King had the plan in mind and were beginning to think of suitable exercises for its observance. Mr. King, while at the Mohonk conference in May of this year, renewed his suggestion, and in response to it the conference authorized Dr. Butler to appoint a committee on the celebration. This committee is being made up of distinguished men of both countries, among whom are Hon. Charles F. Libby, of Maine; Judge Joseph B. Moore, of Michigan; Presidents Buckham, of the University of Vermont; Rhees, of Rochester; and Thwing, of Western Reserve; Justice MacLaren, of Toronto; Mayor Chisholm of Halifax; the mayor of Vancouver; and Sir Thomas Shaughnessy, president of the Canadian Pacific Railroad. Senator BURTON is chairman. Places on the committee are being reserved for representative men on both sides of the line, some of whom are well known in America and Canada, and a number of whom live along the border.

At about the same time that the Mohonk committee was authorized the "national committee for the celebration of the one hundredth anniversary of peace among the English-speaking peoples (1814-15)" was organized in New York City, with Mr. Carnegie as president and William H. Short as secretary. An executive committee, of which Hon. John A. Stewart is chairman, is made up of leading representatives of the various peace organizations, including Dr. Butler, Mr. Smiley, Dr. Trueblood, Mr. Ginn, Mr. Mead, Senator MCCREARY, and Mr. Andrew B. Humphrey, as well as a hundred or more men who are selected for their interest in peace or their prominence in public life. A delegation of this committee went to Beverly on July 15 under the leadership of Mr. Stewart, who acted as spokesman, to invite President Taft to serve as honorary president of the American committee. Mr. Taft expressed hearty sympathy with the objects of the committee, and said he would take the invitation under consideration.

On July 19 an association was formed at the Clifton House, Niagara Falls, Canada, known as the One Hundred Years Peace Society. It was the result of local enthusiasm that has been awakened along the American-Canadian border, particularly in the vicinity of Buffalo, Tonawanda, Niagara Falls, and Toronto, where much of the fighting took place in

the War of 1812, but where international feeling to-day, as a result of the close relationship between the citizens of both countries, is of the most fraternal kind. The objects of the society were declared to be to promote a suitable peace celebration in commemoration of the centennial anniversary of the signing of the Treaty of Ghent in December, 1914. It was thought at the time that the anniversary should be held in the summer of 1915, owing to the unfavorable season in which the celebration would naturally come if set for December 24, 1914, the exact date of the one hundredth anniversary of the signing of the treaty. But there is a consensus of opinion forming in favor of having the celebration some time in 1914, as it would tend to create sentiment beforehand for progressive measures at the third Hague conference, which is to be held the following year.

The details of the commemoration proposed at the Niagara Falls meeting were not fully worked out, but it was proposed that the anniversary be observed in both countries, the chief events to take place in Buffalo, Niagara Falls, Toronto, and other cities along the border. Members of the One Hundred Years Peace Society will be enrolled from the various historical, commercial, and peace associations that are in sympathy with the idea. Prominent in taking the initial steps toward the formation of the society were the Buffalo Chamber of Commerce and the Buffalo Peace Society. Ex-State Senator George D. Emerson is its temporary chairman and Secretary Fenton M. Parke, of the Chamber of Commerce, its secretary. Among the representatives from Toronto who are actively interested in the formation of the society are Maj. W. H. Collins, of the Imperial Army and Navy Association, and E. B. Biggar, representing the Old Fort Protective Association. Mr. Biggar is now in the Maritime Provinces, where he has started a branch of the One Hundred Years Peace Society. Assisted by Maj. Collins and Dr. C. S. Eby, of the Canadian Peace and Arbitration Society, Mr. Biggar has been energetically giving his time to organizing a public meeting to be held in Toronto in September. This meeting will be attended by representatives from the various local associations that may by that time become enrolled in the One Hundred Years Peace Society. Dr. James L. Tryon, assistant secretary of the American Peace Society, has received several important letters from influential Americans approving the celebration.

In the absence of the secretary in Europe, the assistant secretary of the American Peace Society attended the Niagara Falls meeting by special invitation of Mr. Parke, of the Buffalo Chamber of Commerce, and Mr. Frank F. Williams, secretary of the Buffalo Peace Society. Mr. Williams was desirous that the celebration be directed along peace lines instead of being made to glorify militarism and war, as might be the case if all possible suggestions that were in the air were adopted.

Dr. Tryon stated that the idea of the proposed peace celebration was heartily approved by Dr. Trueblood, who not only wanted to see a proper peace celebration, but had suggested that it be kept entirely separate from the idea of a world's fair or great exposition of any kind, as the interest in the event would be divided if combined with either of these. This idea had already met with approval in Buffalo. Dr. Tryon outlined a festival of the nations with symbolic floats and processions like those which characterized the Burritt celebration in New Britain at the time of the New England Peace Congress in May last. Buffalo itself is a cosmopolitan city and abounds in national societies that could furnish picturesque material for such processions. This plan appealed strongly to the Buffalonians. There might be processions of school children with banners, of civic societies and firemen. There might also be life-saving drills for the children, to teach the heroism of peace, such as are often given in Great Britain. A spectacular water festival with symbolic boats might be made a novel feature of the occasion, also historic pageants illustrative of the more poetic and picturesque episodes of the history of Canada and the United States from the days of the heroic discoverers, pioneer settlers, and missionaries down to the present time. Together with these there might be tableaux and processions illustrative of the development of the civic life of both peoples. It would be a time to honor great men of the United States, Canada, and Great Britain, whose names are connected with the development of the world peace movement; for example, such men as William I. Buchanan, of Buffalo, who was a member of the second Hague conference and is recognized as having been one of the most effective diplomatists of modern times. Honor should also be paid to Richard Rush and Charles Bagot, who signed the arrangement for the limitation and reduction of naval armaments on the Great Lakes.

A world peace congress had already been proposed for the United States at the time of the celebration. A delegation from such a congress, if held, might address a conference of Americans and Canadians at Buffalo or Toronto, and might attend some of the local celebrations. Distinguished officers of state and members of the diplomatic corps, together with the peace commission, might be invited as special guests. There might be a symbolic representation of The Hague conference and the Peace Palace at The Hague. Prizes might be offered for designs of symbolic architecture, tableaux, and appropriate exercises upon which the genius of the American and Canadian artists might be occupied for some time to come.

Frank H. Severance, of the Buffalo Historical Society, suggested that in addition to these there might be an international musical festival. Such a festival has already been successfully held by the New York Peace Society. Prof. J. M. Larned, president of the Buffalo Peace Society, proposed that Great Britain and the United States make 1915 the date of the signing of a treaty of unlimited arbitration. This would mean the elimination from the category of war of disputes affecting national honor, vital interests, and independence. This suggestion was reinforced by Dr. Tryon, who said that the friends of peace might well occupy themselves for the next few years in educating public sentiment in support of such a treaty.

Mr. FOSS. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Chairman, I have been asked by my friends why I have had nothing to say on ship subsidy in this session. Now, to prevent them thinking I have lost all interest in that matter I will now enter upon a discussion of that subject. [Applause.] Of course the time allotted to me is so brief that I can not speak to the bill before the House as to how it passed the Senate, but I shall, after a few introductory statements, ask to extend my remarks. It is a well-known fact that the ship-subsidy people have no particular love for me. They have shown that again and again in attacks made in previous years and in recent attacks, simply because I differ with them, be-

cause, after a most thorough study, I arrived at the conclusion that to build up a merchant marine was not to let a few steamboat lines get their hands into our Treasury [applause], but to allow foreign-built ships owned by Americans and plying between this and foreign countries to come in under American registry—in fact, to place our shipowners on the identical terms that other countries place theirs.

I want to say that the ship-subsidy people have not lent me any assistance during my recent election. No; it became very evident that my Republican opponent in the primary and my Democratic opponent in the regular election had their good will, and when the news came in, prematurely, that I was defeated, the joy of the ship-subsidy people knew no bounds. [Laughter and applause.]

In that way I had the rare privilege of reading my own obituary, the announcement of my political death, as it appeared in one of the leading ship-subsidy papers, the Marine Journal, of New York. It starts out in this way:

Congressman KÜSTERMANN defeated. Another object lesson that it does not pay to fight the American ship.

This, my friends, is a notice given to you if you do not do as the ship-subsidy people want you to do, that they will conduct the same style of a fight against you. [Laughter.] But I want to say I am not yet defeated. No; it is going to be decided within a few days whether I am or not, and it is my opinion that the supreme court of Wisconsin will decide that I stay with you for another two years. [Applause.] Here is the article:

Hon. GUSTAV KÜSTERMANN, Representative in Congress from the ninth Wisconsin district, stands defeated by five votes on the face of the returns by his antagonist. Mr. KÜSTERMANN, though a Republican, has bitterly opposed the efforts of Presidents Roosevelt and Taft to build up the American merchant marine in foreign trade. He is one of the men who were nominally the defendants in the investigation which was made last spring by the special committee in the National House, of which the Hon. J. VAN VECHTEN OLCOTT, of this city, was chairman.

Well, that committee has already, in a preliminary report, stated that I am innocent of the charges brought against me. [Applause.]

The Marine Journal does not believe that Mr. KÜSTERMANN was guilty of anything else than deficient Americanism and bad judgment in his attitude toward the merchant marine.

Again that charge of "deficient Americanism." Why do they not bring the same charge against Senators BURTON, STONE, SHIVELY, and all those of you gentlemen who have voted against subsidy—why do not they charge you with deficient Americanism? Simply because you happened to be born here and I was born on the other side of the ocean.

Mr. FOSTER of Illinois. You could not help that.

Mr. KÜSTERMANN. Oh, I certainly had no say in the matter. [Laughter and applause.]

Continuing, this article reads:

We have no idea that he was the hired man of the European steamship combination. Nevertheless, the defeat is striking proof that to obstruct the cause of the American ships is not necessarily a passport to the favor of the people of the West, even of the people of Wisconsin. That State, and particularly Mr. KÜSTERMANN'S district, contains a great many citizens of German birth or recent German extraction. In his fight against the American merchant marine Mr. KÜSTERMANN has drawn much of his argument from the misleading circulars of the great Germany steamship companies.

Only one of many misstatements contained in this article.

He has apparently assumed that the people of his district preferred that the commerce of the United States should be carried under German colors and not under the Stars and Stripes.

What rot!

Mr. KÜSTERMANN now knows that he was very seriously mistaken.

Not as concerns the wrong principle of ship subsidy.

Even if a recount should reelect Mr. KÜSTERMANN by 4 or 5 votes—

I believe I will have more than that—

this would not alter the significance of the campaign, for when Mr. KÜSTERMANN was last chosen it was by more than 3,000 majority.

He has manifestly lost strength with his people—

But not because I have fought the subsidy crowd—

and inasmuch as his fight against the national administration on the shipping issue has been his most conspicuous activity it is safe to infer that his course in this respect has not commanded favor in Wisconsin.

The best answer to this statement is that this marine publication has not a handful of subscribers in Wisconsin, for the policy it advocates is in disrepute in that State.

Continuing, the writer of this inspired article says:

The shipping bill which Mr. KÜSTERMANN has introduced and championed is probably the weakest and worst bill of the kind ever presented in Washington.

In answer to the foregoing I will say that the text of my bill was so satisfactory to a number of American shipowners who are now forced to hide their ships under foreign flags that they wrote to me that if my bill was adopted they would hoist the Stars and Stripes over their ships.

Continuing, the article reads:

It—

My bill—

has not been able to receive the slightest attention from the Committee on the Merchant Marine and Fisheries.

Certainly not; because the Merchant Marine and Fisheries Committee is known to be made up with a majority of members in favor of a subsidy program.

Mr. GARRETT. Will the gentleman permit?

Mr. KÜSTERMANN. Certainly.

Mr. GARRETT. Did not the Humphrey bill, so called, which was reported at the last session of the House, include one of the principles of the gentleman's bill in it?

Mr. KÜSTERMANN. It was so limited that it did not cover what it should have covered.

Mr. GARRETT. But acknowledged in a way, however, the principle for which the gentleman stood?

Mr. KÜSTERMANN. In part only. And only yesterday Mr. HUMPHREY's bill admitting to American registry 17 foreign-built ships of the United Fruit Co. was agreed upon in the committee.

Now, that is piecemeal work. What they want to do is to admit all ships that sail between the United States and foreign countries owned by Americans, and then we will in a very short time have the Stars and Stripes on the ocean where they are not found at the present time.

I read further from the article:

This bill would have enabled European ship trusts and combinations to acquire ownership of American shipping.

It is true I stated that 40 per cent of the ships might be owned by foreign capital, the same as our railroads are partly owned by foreign capital. As long as we allow foreign capital to put money into our railroads, why not allow them to assist in building up our merchant marine?

And further:

It was an entering wedge to European invasion of our coastwise trade.

Which, of course, is not true.

It would have repealed the law that requires that the officers of American ships must be American citizens.

Now, that is one of the distinct features of my bill—that every ship sailing under the American flag, having an American registry, must have American officers.

It says further:

It would have discouraged the employment of well-paid, capable Americans, and would have displaced them by cheap, half-educated aliens.

There is not now a letter in our navigation laws which requires American ships to have American crews. So my bill simply left it as it was before. They may hire whatever crews they wish.

The Küstermann bill, if it had been enacted, would have destroyed the most valuable part of the personnel of the Naval Reserve of the United States and would have left our country more humiliatingly dependent than ever on the grace of European corporations like the Hamburg-American Co.—

That is hitting me again. Now, if we have to depend upon the few ships that will be added under the Gallinger bill as it has passed the Senate, it would add but very little to our Navy—which took some of its fast ships out of the New York Harbor in the Spanish War and sold them to the Spanish admiralty, who would have used them, if opportunity offered, to burn, sink, and destroy the commerce of the United States.

Certainly the writer is hard pressed to use such claptrap talk and label it argument.

But here is the closing sentence:

Mr. Küstermann may be an honest man—

I will have to leave that to you, gentlemen.

Mr. FOSTER of Illinois. We think he is honest.

Mr. KÜSTERMANN (reading):

but he is certainly a terribly misguided one, and he richly deserves the defeat which he has received at the hands of his constituents.

Yes, abuse and threats are their weapons. Why do they not come out with arguments? That would be the proper way. I have never used anything but argument. I have not threatened and I have not heaped any abuse upon them, but they probably think such a campaign of vilification is necessary because they have few arguments.

Now, Mr. Chairman, my time is probably pretty nearly up. For that reason I will ask unanimous consent to extend my remarks in the RECORD.

Mr. COLLIER. Mr. Chairman, I look upon the gentleman from Wisconsin [Mr. KÜSTERMANN] as a high authority on this ship-subsidy proposition, and I feel as much interested as he does in it. I want to ask him if it is not a fact that there

are about 1,000,000 tons of shipping owned by American capital, but by reason of our antiquated laws now in force it flies a foreign flag?

Mr. KÜSTERMANN. There are more than a million tons. Why, the International Mercantile Marine Co. owns 126 ships under foreign flags alone, and a gentleman in California, Mr. Robert Dollar, has probably 30 or 40 ships, as has Mr. Waterhouse, in Seattle, and the United Fruit Co. So there are probably about 2,000,000 tons. [Applause.]

The Gallinger subsidy bill is an improvement over the one introduced last session, in so far as it forbids the paying of subsidy to any rail-competitive transportation business.

Otherwise it may be said of this bill, as of its predecessors, that it will not serve the purpose for which it is supposedly intended.

Even though a few additional second-class ships should be put into service by being paid \$4 per mile, or \$4.60 a nautical mile, or about \$23,000 for each trip from the United States to Brazil, there would be no prospect of an improvement in mail facilities to Central and South America.

The rule of the Post Office Department is to send mail on such boats as reach their destination in the quickest time, whether they are under the American flag, American-owned, or foreign-owned vessels. This is plainly set forth in the report of a former Second Assistant Postmaster General, in which we find the following:

Under our rules of the speediest possible dispatch of mail we could not send our mail to Central and South America on American boats if another vessel under foreign flag would deliver it quicker.

Of course we could establish lines where there are no foreign lines at present, putting on steamers of less speed than those which cross the Atlantic and carrying mail as well as cargo, but there might soon be foreign vessels of greater speed to those parts, which, for mail purposes, we would have to give the preference. We could scarcely make the appropriation available for subsidizing vessels of slower speed and of greater carrying capacity.

That there are now a number of opportunities to send mail to these countries is evident from a late schedule of steamship service published by the Post Office Department.

This schedule shows 18 sailing dates in one month of American-owned ships sailing under foreign flags direct from New York to Central and South America, and 24 sailing dates of foreign ships.

There are also a number of American-owned ships under foreign flags making regular trips from New Orleans, Philadelphia, Boston, Tampa, and San Francisco.

All of these ships carry freight, and thus there is ample opportunity to ship goods to the places aimed to be reached by these subsidized ships.

Our trade with those countries will not be increased by subsidizing these extra ships to operate at an enormous expense to our Government and the people.

In order to accomplish this—to increase our trade, we must go after the orders—we must compete in prices of goods sold; we must study the trade conditions, extend the same amount of credit as other countries; and last, but not least, we must send agents or representatives who are versed in the Spanish language, which is the language spoken.

We can not expect our prospective customers to learn English in order to trade with us.

All other countries are trying constantly to provide the speediest ships, while in the present bill we propose to pay a premium on slow vessels, thereby permitting second-class vessels to carry the mails right along with those vessels of the first class.

Under the act of 1891 we are paying to the International Mercantile Marine Co., mainly owned by J. Pierpont Morgan, about \$700,000 each year for sailing four of their ships across the Atlantic.

Two of these four ships were built in Europe, but by a special act of Congress they were allowed to fly the American flag.

Now, the question that must be answered fairly and squarely by every Representative of Congress is this: Has our country been benefited in any way by the payment to this and other companies of about \$20,000,000 in 20 years? I say not in the least.

Freight and passenger rates have not been affected by it and no mail facilities have been added.

The facts show that we have merely given these millions of dollars to J. Pierpont Morgan and others and received nothing in return therefrom.

Now, let us see how many ships the proposed \$4,000,000 annual subsidy would add to our merchant marine.

A 16-knot vessel, built to sail 16 nautical miles an hour, certainly should be able to sail 16 regular miles, as a regular mile is about one-eighth less than a nautical mile. It would there-

fore cover a distance of 384 miles in a day, and as payment is provided for outgoing trips from this country only, at \$4 per mile, it would receive a total of \$1,536 of Government money per day outgoing, or \$768 when the daily outgoing and incoming trips are averaged.

Figuring delays, stops, and repairs, it may be said that a ship sailing about 10 months in the year would receive from the Government Treasury about \$230,400.

Eighteen and 20 knot vessels would obtain proportionately more, so that it would be safe to state that the average amount paid to each ship yearly by this Government would amount to \$250,000. Thus the \$4,000,000 would subsidize about 16 vessels, or only 12 vessels, if the profit from the ocean mail amounts to but \$3,000,000, as it is estimated.

It has been said that no ship flying the American flag is now engaged in sailing to and from Central and South America. There are, however, a number of American-owned vessels plying between this country and our sister Republics, among them the large fleet of the United Fruit Co.

Costing almost twice as much to build ships in this country as in Europe, these American shipping companies were forced to give their orders for ships to foreign shipbuilders, and through our antiquated navigation laws—abandoned by other leading countries many years ago—they were prevented from sailing these vessels under the American flag.

To-day they would cheerfully hoist our glorious banner over their ships, but under our present laws they are obliged to hide under foreign flags.

If we wish to see the American flag restored to the seas, we have the remedy in our own hands.

I have in my possession letters from a number of American shipping companies, owning about 200 fine ocean-going vessels, who are ready to hoist the American colors over every one of these vessels if we will grant foreign-built ships, owned wholly or partially by Americans, admission to American registry.

But objections to this business-like method are raised by the shipbuilders and steel manufacturers of this country, who, while not building a single ocean-going merchant ship at the present time, still live in hopes that indirectly they might reap great profits if our Government will loosen the purse strings of the Treasury and commence the payment of big subsidies. Of course the amount called for in the present subsidy bill is but an opening wedge for a much greater depletion of the Treasury in the future.

These American shipbuilders claim to be unable to compete with other countries in shipbuilding; yet they recently took the contracts for two great war vessels for the Argentine Republic and a very costly Chinese cruiser in competition with shipbuilding concerns in Japan and Europe.

I maintain without fear of being successfully disputed that if we let foreign-built ships owned in the main by Americans and in charge of American officers come under United States registration, it will not be necessary to pay out millions of dollars of the people's money for the pleasure of seeing more American flags on the ocean.

A few years ago the Commissioner of Navigation reported 136 ocean sailing ships owned by Americans but obliged to sail under foreign flags. Now, however, that number is greatly increased.

The leading shipping nations in the world, Great Britain and Germany, allow the sailing under their flags of ships, no matter where built, and the shipbuilders of those two countries seem to prosper under that policy. Great Britain last year admitted to British registry 34 foreign-built merchant steamers and 7 sailing vessels.

Again and again the false statement is made that the great merchant marine of Great Britain and Germany owed its growth to the payment of subsidies by their respective Governments.

It costs Germany \$1,860,000 to have 30 to 40 ships keep up the connection with their colonies, while Great Britain and colonies pay about \$7,000,000 to steamship lines owning in the neighborhood of 400 vessels, and these companies as lowest bidders were awarded the contracts for carrying the mail to and from British possessions. In Great Britain but 6 per cent of her 6,503 steamers received money from the British treasury for service rendered, and not one of her 4,703 sailing ships.

About \$5,000,000 of the British subsidy consists of refunds of Suez Canal tolls, and, following the example of Great Britain, I hope not a single voice will be raised in our country against giving the same benefit to all American ships passing through the Panama Canal.

Instead of rushing any subsidy measure through at this time, we ought to await the completion of that great canal, and see whether the privilege of its free use will not have a material effect on our American merchant marine.

Displaying the American flag over only 16 vessels plying between our ports and Central and South America would under this bill cause our people an expense of \$40,000,000 in 10 years, and the wholesome competition in freight rates which our shippers now enjoy would at least be partially destroyed by the non-subsidized ships being unable to compete with lines receiving in the neighborhood of \$250,000 a year out of the Government Treasury for each subsidized ship.

Let us continue to pay 80 cents per pound for carrying letters in American vessels, as compared with 35 cents to ships under foreign flags, thus making it an object for vessels to go under American registration.

At the same time let us give American shipowners material assistance and restore the American flag to the seas by allowing American registry to ships built anywhere in the world, as long as they are owned wholly or to a large extent by Americans.

This can be done by enacting into law my bill, H. R. 29865, which, when the time comes, I shall offer as a substitute for the pending bill. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield 40 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, in the time allotted to me I shall confine my remarks to a discussion of the so-called Ballinger investigation.

On the 6th of December, 1909, the gentleman from Nebraska [Mr. HITCHCOCK] offered a resolution on the floor of the House to the effect that a committee of seven Members of the House should be appointed to investigate the General Land Office and the Department of the Interior, with reference to coal lands and other public domain in Alaska, and report their findings to the House.

Later on a broader resolution concerning the same matter was introduced in both the Senate and House of Representatives, at the request of Mr. Secretary Ballinger, asking for the appointment of a joint committee of investigation, and on January 19, 1910, the joint resolution was approved and the committee appointed.

At page 4219 of the record of the hearings by the committee appears a letter written by Don M. Carr, Mr. Ballinger's private secretary, to the editor of an Arkansas newspaper, which indicates remarkable prescience on the part of that young man, as he appears to be able to see at least 16 days into the future. I give it here for whatever it may be worth, leaving it to others to draw such inferences from it as may seem just (italics ours):

SECRETARY OF THE INTERIOR,
Washington, January 3, 1910.

DEAR SIR: Referring to the Montgomery Times of December 24, containing an editorial on the administration of the forest reserve in your vicinity, it is suggested that as Congress will probably at an early date make an examination of the management of the Forest Service, you might with propriety secure such affidavits of the character referred to in the editorial and submit them to the committee having charge of the investigation, of which Hon. KNUTE NELSON, United States Senate, will probably be chairman.

Very truly, yours,

DON M. CARR.

Mr. GEORGE SHERMAN,
The Montgomery Times, Mount Ida, Ark.

If Mr. Ballinger's secretary knew so far in advance who the chairman was to be, he doubtless also knew who the members would have been if the House had not interfered by giving each party the right to choose its representation.

The committee worked diligently and finished the taking of evidence near the end of May. Several days' time was given the attorneys for the respective interests to prepare for the oral arguments on the evidence, and after the oral arguments still further time was given for the preparation and filing of printed briefs.

Every assistance which the splendid ability and industry of the eminent counsel engaged could render was given the committee and greatly lightened the burden cast on them.

Near the end of June, 1910, the committee held its last meeting prior to the adjournment of that session of Congress, and in order to give themselves time to study the evidence and the briefs and to formulate their views into a report the committee adjourned to meet at Minneapolis, Minn., on September 5, when a report was to be adopted.

During the Minneapolis session of the committee, on September 9, two reports were presented and filed, one signed by Senator FLETCHER of Florida, Senator Purcell of North Dakota, Representative JAMES of Kentucky, and myself, and the other one by Representative MADISON of Kansas. While these reports were prepared without conference or consultation of any kind between the respective signers they are in substantial agreement that the weight of evidence establishes Mr. Ballinger's unfaithfulness to the trust reposed in him and his unfitness for the great office he holds.

Three months after these reports were filed the other seven members of the committee, on December 7, 1910, filed a third report, finding that the evidence heard by the committee wholly failed to "exhibit Mr. Ballinger as being anything but a competent and honorable gentleman, honestly and faithfully performing the duties of his high office." These reports show diametrically opposite conclusions drawn from the same evidence. Which of them is wrong? Which ones reflect the weight of the evidence and which one does not?

It is my purpose to dispassionately discuss this question with you, just as if this were a court in banc, interested only in getting at the very truth of the matter.

The issue before the committee, stated broadly, is this: Was Mr. Ballinger an unfaithful servant of the people, and was he untrue to the trust reposed in him, first, as Commissioner of the General Land Office, and later, as Secretary of the Interior?

He was Commissioner of the General Land Office from March 4, 1907, to March 4, 1908. He retired from office on the latter date and resumed the practice of the law at Seattle, continuing in his profession till March 4, 1909, when he became Secretary of the Interior, which great office he still retains.

The entire period since his appointment as Commissioner of the General Land Office and, indeed, before that, to some extent, has been covered by the investigation.

I shall confine myself to what I consider the salient features of the more important matters involved.

I shall not attempt to go into the merits of some of the questions raised, as, for instance, the matter of Indian cooperative agreements and the issuing of cooperative certificates, for however desirable or necessary these policies might be, I am persuaded that their condemnation by the law officers of the Government under whose jurisdiction they came is a sufficient justification for the opposition of the Secretary.

I do not think it is the province of the committee to inquire into the soundness of these official opinions, nor is it material to the inquiry we were directed to make whether they are sound or not. The question before us was whether Secretary Ballinger's acts were done in good faith; and, for my part, I can not say that he was guilty of bad faith in accepting and acting upon the official opinion of the officer of the Government whose duty it was to give that opinion.

The remaining matters come under two general heads, namely, the Reclamation Service and the Cunningham coal claims, and growing out of these two, indeed out of the whole subject matter of the controversy, is a third and very important question: Was Mr. Ballinger uncandid or disingenuous with the President in connection with these matters?

I will take up first, and but briefly, his conduct toward the Reclamation Service.

This very important Government bureau was organized and has been conducted for the purpose of reclaiming and rendering fit for cultivation the arid lands of the West.

It is in the Department of the Interior, and its officers are under the jurisdiction of the Secretary or head of that department.

Mr. W. H. Newell has been at the head of this bureau since its organization under the title of "Director," and Mr. Arthur H. Davis was chief engineer. Many reclamation projects have been undertaken, and much good has been accomplished by the irrigation of arid land, thus making it very productive and very valuable.

One of the first steps in irrigation is to secure a water supply. As the current in the rivers and streams available does not usually furnish enough water in the hot summer weather, when water is most needed, it becomes necessary to build a great dam and create a vast reservoir to hold a proper supply.

A strategic point is chosen where the least amount of dam will collect the greatest amount of water within reasonable proximity to the land to be irrigated.

It would require a very careful survey to determine in advance how much land would be inundated by the water collected by a dam of a given height. Often thousands of acres are thus inundated by a single dam.

But as all this land was open to location by settlers, and as the desire to seize good opportunities is quite prevalent, it is easy to see that settlers would be likely to pick as "locations" land that was adapted to reservoir and dam site purposes, especially if they suspected that it would be put to that use.

This probability would be greatly increased when the dam site was also available as a power site, and this also applied to natural water-power sites. It is plain that such locations were very liable to be taken, and that the fee would pass from the Government and ultimately become the basis of a private

monopoly. Secretary of the Interior Garfield, seeing this and wishing to prevent it, made orders in January and February, 1909, withdrawing from settlement a large amount of land adjacent to, and available for, power sites.

As these withdrawals were of necessity made without preliminary surveys, and as it was then impossible to know how much land or what land might be inundated by the building of a dam at any given point, it was deemed by him wiser to err on the side of safety, and the withdrawals were made large with the intention of paring them down later and restoring the excess to settlement as soon as the necessary survey could be made and the correct boundaries established.

On March 4, 1909, Mr. Garfield went out of office and Mr. Ballinger succeeded him. Within six weeks after he became Secretary, Mr. Ballinger canceled these withdrawals made by Garfield, and restored all the land, power sites included, to settlement. He did this on the theory that there was no power lodged in the executive department of the Government to make these withdrawals, that therefore his predecessor's action was void, and that he was so thoroughly convinced of this he could not evade the duty of revoking them and restoring the land to settlement.

Personally, I am more disposed to sympathize with this view than to criticize it, but once more I repeat, our committee was not appointed to pass upon the legality of Mr. Ballinger's acts or to determine questions of public policy, but rather to pass upon his motives and bona fides. So that, for our purpose, the question is not whether the executive branch of the Government really had the power to withdraw public land from settlement, but whether Mr. Ballinger was or was not acting in good faith for the public good.

Consistency is one evidence of good faith. The man who claims he takes a very important step because of intense conviction will be sure to stick to his course; or, if he ever afterwards makes a complete change of front on that very question, he will have a reason to give for the change. If not, his good faith in the first instance is justly open to suspicion.

Apply this rule to Mr. Ballinger. Did he stand by the position he took? Or if he abandoned that position, did he give a good reason for so doing? The answer to these questions is he did not stand by his position and he did not give any reason at all for abandoning it. True, he says that Garfield withdrew more land than was necessary. But he canceled Garfield's withdrawals for the specific reason that Garfield had no power to make them. He did not cancel them because Garfield had not the power to withdraw so much land, but because he had not the power to withdraw any.

In view of this, how are we to explain his conduct when about six weeks later, without any change in the law and without any change in his view of the law, Mr. Ballinger does the very thing he condemned in Garfield, and withdrew a large portion of the very same land. If Garfield had not the power, where did Ballinger get it?

And again later on when the Senator from Colorado [Mr. GUGGENHEIM] made a request that certain arid land be withdrawn from settlement for park purposes, where, on his own theory, did Mr. Ballinger get the power to comply with the Senator's request? He has given us no light on this subject. The claim that a more careful estimate of the land to be withdrawn, or even that an exact survey had been made in the meantime, would be no answer, as the Secretary, in nullifying Garfield's action, planted himself squarely on his absolute want of power to make any withdrawals.

As I proceed, I think there will appear, with tolerable clearness, a basis for the inference that Mr. Ballinger's action in canceling the withdrawals and restoring the land, power sites and all, to settlement, was rather for the purpose of giving special opportunity to a favored few than of administering the trust in his hands for the benefit of the people, and the whole evidence fairly considered, in my judgment, justifies the conclusion that when he canceled the Garfield withdrawals and restored the land to settlement it was not Mr. Ballinger's intention to rewithdraw it, and that the rewithdrawals subsequently made were in some way forced upon him.

One of Mr. Ballinger's first official acts after he became Secretary was to call in Mr. Davis, the chief engineer of this service, and try to alienate him from Director Newell, his immediate superior. The evidence shows persistent and deliberate attempts on his part to undermine and discredit Mr. Newell as head of the service, and this to the great detriment of the service. The heads of it were frequently ignored altogether and orders issued direct to subordinates, of which orders their superiors had no knowledge till it came to them incidentally, or accidentally, later on.

The effect of this conduct was very demoralizing to the Reclamation Service, and it can be explained only as an effort to force Mr. Newell to resign.

The Reclamation Service maintained an office in Chicago, of which one E. T. Perkins was the manager. Mr. Perkins was guilty of irregularities which can be fitly designated as gross. They are outlined and discussed on pages 47 to 49 of our report.

Director Newell and Chief Engineer Davis were of the opinion that the conditions justified a request for Mr. Perkins's resignation, and Mr. Newell did finally request it. The matter came before Mr. Ballinger, and he disposed of it by overruling Newell, by giving Perkins increased authority, and directing him to make monthly reports to the director, whom he had so effectually defeated. How farcical and how thoroughly demoralizing; but Mr. Perkins had influential and powerful friends in Chicago, the Secretary explained.

The evidence shows it had been Mr. Ballinger's intention from the beginning to displace Newell and replace him by one R. H. Thomson, of Seattle, a personal friend of his, of whom I shall have something to say later on.

It is unnecessary to say the inevitable effect of this conduct on the part of the Secretary was the demoralization of the Reclamation Service, and that such would be its effect could not be unknown to the Secretary. As we proceed the purpose of it may become more apparent.

THE CUNNINGHAM CLAIMS.

A few preliminary words of explanation as to Alaska is necessary to a proper understanding of the so-called Cunningham claims matter.

The location, the conformation, and the great natural wealth of the Territory of Alaska make it a land peculiarly adapted to exploitation by any person or aggregation of persons having the necessary means.

While there is much fertile and productive land there and considerable gold, silver, and other minerals, the main attractions, so far as this investigation discloses, are coal and copper. There are vast and very valuable deposits of both of these. For a more detailed statement of the nature and extent of these deposits I must refer you to the different reports by members of the committee and to the evidence itself referred to in the reports.

These mineral deposits are all in the interior and lie behind a practically impassable mountain range. This mountain range runs in a general way parallel to the coast and about 30 miles inland. There are but three practical ways of reaching the interior through this mountain range south of the peninsula. The southernmost route is by way of Skagway and the White Pass, the middle one by way of the Copper River, and the northernmost one by way of the Matanuska River. Each one of these has already been availed of for railway construction. The line along the Matanuska is not involved here to any great extent.

The line from Skagway is owned by British capitalists and is managed by a Mr. Graves. The line along the Copper River is owned by the Alaska syndicate and is not only the most important of the three, but the one most intimately connected with this investigation.

The Alaska syndicate is an unincorporated combination of two great interests—J. Pierpont Morgan & Co. and Guggenheim Bros.—each having an equal share.

Each party has a right to take in outside interests, and each has exercised that right. Parties so admitted into the concern are called subparticipants. Mr. Graves, president of the Skagway & White Pass Railway, is a subparticipant of the Morgan interest, and Mr. Havemeyer and some other well-known capitalists are subparticipants of the Guggenheim interest.

This syndicate has been giving attention to Alaska for several years. It was largely interested in the salmon fisheries off the Alaskan coast, and in the salmon-canning business. It had a large part, probably half or more, of the carrying trade to and from Alaska. It had a good harbor for ships, with dockage facilities, at Katalla; it owned large and very valuable copper mine interests in the interior; and it owned the Copper River & Northwestern Railroad, extending from its docks at Katalla along the Copper River and its tributary, the Chittina, and by this time probably reaching to the copper mines.

As will be shown later, it was not satisfied with what it already had, but was arranging, with the "personal and confidential" assistance of Secretary Ballinger, to exploit the Territory in other directions.

The lack of cheap coal has been a great drawback to Alaska, and was undoubtedly a great drawback to the syndicate. It is unfortunate that the law did not enable the people of Alaska and those who were carrying on business there to avail them-

selves, in some practical way, of the coal which abounds so plentifully. But the syndicate appears to have been looking for more than a present supply of cheap coal. It had its bargain-counter eye on the whole Bering coal field, aggregating about 30,000 acres and containing some 500,000,000 tons of fine coal.

The group of 33 claims, containing 5,260 acres, with about 80,000,000 tons of marketable coal, known as the Cunningham claims, are located in this field and constitute the storm center of this part of the inquiry.

As Secretary of the Interior Mr. Ballinger held all this property in trust for the use of the American people, and it was his duty, as such trustee, to prevent its exploitation either by individuals or syndicates, but I challenge your careful attention to the evidence as to whether he did not wholly fail in his duty in that regard.

The act of April 28, 1904, under which coal claims were being made, provided for the "staking out" or location of a claim, the filing of a notice of such location with the proper officers, and the improvement of the claim; and it required an affidavit of good faith by the locator or claimant stating that he makes the entry in good faith, *for his own benefit, and not directly or indirectly, in whole or in part, in behalf of any person or persons whomsoever.*

When all these steps are taken by the claimant, and the uniform purchase price of \$10 per acre paid to the receiver of the land office, and his receipt given therefor, a certificate of entry is issued to the claimant by the register of the land office. When the claimant receives this certificate the "entry" is complete, *provided he had acted in good faith up to that time*, and if he had so acted a patent will issue to him in due course.

When the matter passes from the hands of the local receiver and register of the land office, it goes to Division "P" of the General Land Office in Washington. This is the investigating division. If any irregularities in the preliminary steps are suspected, Division P investigates the matter and determines whether those preliminary steps were all properly taken and whether the claimant has acted throughout in good faith. If the claim is found to be all right, it is "clear listed" from Division P and its real troubles are over. Any further examination is merely as to the formal correctness of the papers, and if they are correct it goes on to patent.

If, as a matter of fact, the claim is all right at the time the certificate of entry issues, then the claimant becomes seized of the equitable title and has a right to sell and convey this equitable interest in the claim; but if, as a matter of fact, it is afterwards determined that the claimant did not act in good faith and did not comply with the provisions of the law, then he took nothing by his certificate of entry, and, of course, had nothing to sell or convey to anyone else. These points are very important in the matter before us and should be kept in mind.

As early as 1903 a part of the land covered by the Cunningham claims was seized by squatters, who realized its value and advantages. The supposed interest of these squatters was bought for a small amount by Mr. Clarence Cunningham, but he soon learned they had no real interest, and when the law of April, 1904, was enacted he began to secure them for himself and others under that law.

But he did not even then follow the provisions of the law. He made "locations" in the names of persons who had given him no authority to do so, and at one time he had 22 claims and only 9 claimants.

The locations of the 33 claims in the Cunningham group were all made in July and August of 1904. True, as I have stated, there had been attempted locations on this same land prior to that, and under the act of 1900, but these alleged locations were void and were abandoned and new ones made under the act of April 28, 1904.

The fixed price of \$10 per acre was paid by the claimants during the year 1907, 3 being paid for in February, 11 in March, 15 in April, and 3 in October. A certificate of entry was issued in each case, and if the claimants had acted in good faith and in compliance with the law up to that time their claims were valid. On the other hand, if they had not acted in good faith, if they had not complied with the provisions of the law, their claims were invalid and void.

On December 26, 1907, Mr. Ballinger, acting in person and after consulting Mr. Schwartz, chief of the field service, clear listed these claims and ordered them to patent. In doing so he considered only a doubtful report made by a special agent, H. K. Love.

The question now before us is, Was he justified in doing so? Did he do so in good faith? Bear in mind that the law of 1904, under which the Cunningham claimants were proceeding, was carefully prepared with a view to prevent monopoly in

Alaska coal land. That was the keynote of the act. To carry out this theory it had stringent provisions against a consolidation of claims. It provided that two persons, each of whom was eligible to take a claim, might go together and take two claims, or 320 acres; and four such persons who had already spent at least \$5,000 in improving their claims might consolidate to the extent of 640 acres. That was the maximum limit of consolidation. There was no way under the law by which more than 640 acres could be improved and worked in common, and any agreement among claimants before the issuance of their certificates of entry is construed by the courts as a fraud on the law and renders the claims invalid and void.

Was there reason to believe the Cunningham claimants had such a prohibited agreement? Yes; there was.

On February 6, 1906, Mr. Cunningham wrote to Commissioner of the General Land Office Richards, telling him that he had located these claims for himself and a large number of others and had expended a large amount of money on them; that owing to the nature of the ground it would be necessary to make a long tunnel, the benefit of which would accrue to all the claims. He inclosed a pencil sketch indicating the relative location of this tunnel, and showing that it would run through the center of the group from south to north. Of course, this tunnel would not touch most of the claims at all, although the cost was to be borne equally by all the claimants.

Assistant Commissioner Fimple wrote Cunningham on February 24, 1906, in reply, stating that the construction of such a tunnel would call for close scrutiny as to the good faith of the claimants, to ascertain whether each one was securing his claim strictly for his own use, and not directly or indirectly for the use or benefit of others, or of an association or corporation. He further told him the issuing of patents would without doubt be delayed till the matter could be fully investigated. These letters and the plat submitted by Cunningham are and have been in the General Land Office files ever since. It might be stated that this close scrutiny, this full investigation mentioned by Mr. Fimple, had not been made when the claims were clear listed by Mr. Ballinger.

And this brings us to the question of the validity or invalidity of the Cunningham claims and to a consideration of Mr. Ballinger's conduct in clear listing them on December 26, 1907.

At the time these locations were being made under the law of 1904, Mr. H. K. Love, a lawyer of many years' standing and of large experience with land matters, was acting as special agent for the General Land Office in Alaska. Mr. W. A. Richards, then Commissioner of the General Land Office, on December 11, 1905, wrote Love a lengthy letter of instructions as to his duties, in which, among other things, he said:

While it might be clearly within the contemplation of Congress to permit the formation of companies to take a limited area of the public coal land to enable said companies to make large expenditures necessary to their development, there is no warrant for the belief that Congress intended to permit the entry and acquisition of title by one person or an association of persons of an unlimited area of public land.

On the contrary, it proposes to limit the area to be entered by said association of persons, as is evident from the law itself, which provides that "not exceeding 160 acres to such individual person, or 320 acres to such association" (sec. 2347), or that "when any association of not less than four persons, severally qualified as above provided, shall have expended not less than \$5,000 in working and improving any such mine or mines, such association may enter not exceeding 640 acres, including such mining improvements." (Sec. 2348.)

Love was still acting as special agent in Alaska in 1906 when Clarence Cunningham located these claims. None of the other 32 claimants were actually in Alaska. They always acted through Cunningham, to whom they had given their respective powers of attorney.

In making an investigation of these claims Love simply sent a form of affidavit to each claimant, which affidavits were executed and returned to him by mail. Soon after he received them, on August 2, 1907, he reported to the General Land Office on 30 of the 33 cases, in which report he says, among other things:

In a recent conversation with Mr. Cunningham, who is fully informed on all matters past and all future plans of his principals, he stated that *it had always been the hope of the several persons that arrangements might be effected after entry for the joint working of the lands.*

Some months prior to the making of this report, Mr. Love became a candidate for a United States marshalship in Alaska, and as many of the claimants in the Cunningham group were persons of much political influence, it was represented to the Land Office that Love was not a proper person to conduct this investigation; that his activities as a special agent might be influenced by his ambition to get on the Government pay roll in an office which not only paid a good salary but, as Love well knew, yielded emoluments on a collateral line by way of dividends or "rake off" for the boarding of United States prisoners, and which he afterwards availed himself of.

Love was well aware of his doubtful standing in the General Land Office, for on August 1, the day before he made this report, he wrote to the register and receiver stating that the Land Office would probably refuse to act on his report.

In this letter he refers to his interview with Cunningham, and adds:

In view of the foregoing and of the fact that the department may wish to make an investigation of these entries, with others of similar character in Alaska, otherwise than through myself, I would respectfully recommend that these cases be forwarded to the General Land Office without entry at this time.

In response to the objections urged against Love, Special Agent H. T. Jones was, on June 21, 1907, chosen by Assistant Commissioner Dennett, because, as Dennett said, Jones had "the necessary ability and integrity," and Dennett directed him to make a "thorough, complete, and energetic" investigation of the charges against Alaska coal-land claimants.

Thus it clearly appears that a little over two months before he made his report of August 2, which report was the sole basis for the order clear listing the Cunningham coal claims, Love had been discredited in the General Land Office, and was aware of the fact. Now, during the five months that intervened between the filing of Love's report and the clear listing of the claims let us see what happened.

First, Jones began his investigation in Washington State, where many of the claimants lived. Commissioner Ballinger was in Seattle at the time, and sent for Jones, who informed him of Dennett's orders and of the progress he was making. They had several interviews, and Mr. Ballinger finally overruled Dennett's written instructions to make "a thorough, complete, and energetic investigation," and substituted therefor verbal instructions to get statements from only two or three persons in each group.

Mr. Ballinger further verbally directed that Jones should work at Portland and Spokane, and that the discredited Mr. Love should work at Seattle, where most of the claimants lived.

Second. On August 5, 1907, Jones obtained two affidavits—one from Fred H. Mason and one from A. B. Campbell, both prominent claimants in the Cunningham group. These affidavits state that the claimants had often talked, before they got their certificates of entry, about what they were going to do with their claims; that the popular idea was that after they got titles they would try to get a railroad to their claims, and that if the titles proved to be good they might make a deal with the "Guggenheim outfit," which was the American Smelting & Refining Co. These affidavits were also filed in the land office.

Third. On August 10 Mr. Jones made a written report to the commissioner, in which he says:

At least the Cunningham claimants were under a misapprehension as to their right to combine their claims and run them under one financial management.

And three days later, on August 13, he made a supplemental report, in which, after reciting reasons, he concludes thus:

I would therefore again recommend that these entries be carefully investigated by an experienced and fearless agent.

These two reports of Jones were, of course, also on file in the General Land Office.

Fourth. On November 5, 1907, Special Agent Louis R. Glavis wrote from Portland to the Commissioner of the General Land Office transmitting a letter from Jones about Alaska coal lands. Glavis says in this letter:

My general knowledge of conditions governing the coal entries made in Alaska prompts me to concur in Mr. Jones's recommendation that early and thorough investigation be made of these entries.

In the letter to which Glavis refers Jones says to the commissioner:

I am taking the liberty of again calling to your attention the fact that during my investigation of the Alaska coal-land situation it was found, of the few groups examined, that few, if any, of the applicants were complying with the requirements of the law and the rules and regulations of the General Land Office and the Department of the Interior respecting the purchase of such coal lands.

This was the third written appeal from a special agent chosen for this work because he had "the necessary ability and integrity."

Fifth. On November 23 Glavis wrote to his chief, Mr. Schwartz, asking to be called in to the land office that he might lay the Alaska situation before him. He says in this letter as to Alaska coal:

I am worried about this matter and would like to confide in you, because you should know all about it, even though it will pain you as much as it has me when you hear it.

Glavis was called in as he requested, and while here in Washington had an interview, first with Schwartz and then with Ballinger, about December 13, in which interviews the matter was gone over at some length.

In their interview Glavis and Ballinger talked about Love, and Mr. Ballinger agreed with Glavis that Love, being a candidate for marshal in Alaska, should not conduct the investigation of the coal claims there.

So that, to recapitulate, when Mr. Ballinger, 13 days later, clear listed these claims on December 26, 1907, he had before him the very doubtful report of a discredited agent whom he knew to be discredited, and nothing else, and he made no inquiry whether there was anything else, whereas had he asked for all the files in his office on this subject, some of which he knew about, he would have had placed before him for consideration:

1. Assistant Commissioner Fimple's letter to Cunningham.
2. The Cunningham plat of a joint tunnel.
3. The F. H. Mason affidavit and the A. B. Campbell affidavit.
4. The Jones report of August 10.
5. The Jones report of August 13.
6. The Glavis letter of November 5, inclosing Jones's letter of November 1.
7. Glavis's letter to Schwartz, of November 22.

And all this documentary evidence would be supplemented and strengthened by the recollection of his personal interviews with Jones in August and with Glavis on December 13—less than two weeks before.

How can all these things be put together by men of practical sense without reaching the conclusion that an understanding had been reached by the claimants before entry as to what they would do with their claims after entry. They say the hope always existed; that they had often talked about what they were going to do with the claims after entry; and that they favored a deal with the "Guggenheim outfit" to get a railroad. This hope which always existed among them was not a mere unexpressed hope. It was a tangible hope. It had been discussed by them. Each of them knew that the others entertained a similar hope. When such admissions are made by sharp, shrewd men of affairs, who understand the danger of admissions against interest, Mr. Ballinger might fairly conclude that more would be discovered by looking further. All these documents were within reach, but were not called for; the only one considered was the only one that seemed to favor the claimants, and even that one, fairly construed, cast a dark shadow of suspicion on the claims; indeed Love himself stated in an official letter that this report "did not clear list those entries, but, on the contrary, raised a question as to their regularity." And, in addition to ignoring these documents then in his office files, Mr. Ballinger conveniently forgot his various personal interviews with Jones in July and August and his interview of December 13 with Glavis and ordered the claims on to patent.

Mr. RUCKER of Colorado. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Colorado [Mr. RUCKER]?

Mr. GRAHAM of Illinois. I would like to, but I have only 40 minutes. If I get additional time when that limit is up, I will be glad to answer any questions that may be put to me. It is only lack of time that prevents me from yielding to the gentleman at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRAHAM of Illinois. Now, I want to be absolutely fair. I refrain from analyzing a great mass of other evidence, which clearly—I think, conclusively—shows the fraudulent character of these claims, and I do so because there is no proof that Mr. Ballinger, when he made the clear-listing order, had knowledge of such other evidence, and I am discussing with you the question of Mr. Ballinger's good faith rather than the question of the actual validity or invalidity of the claims.

I have not referred to all the evidence which was then available to him and ignored by him, only to the more important facts, but I think I have referred to enough to show either gross carelessness or a want of good faith on his part.

Among the items of evidence which go to the validity of the claims, and which I have not referred to, because the evidence does not show they were known to Mr. Ballinger when he made the clear-listing order, are the report of Special Agent Kennedy; the report of Cunningham's expert engineer, Hawkins; the option agreement, giving the Alaska syndicate a half interest in the entire property; the report of Engineer Storrs, the syndicate's expert; and the Cunningham journal.

Glavis always insisted that a competent Government expert should be sent to the claims to report what the conditions on the ground were, and in this Sheridan, the Government's lawyer, agreed with him.

Kennedy was finally sent to Alaska for that purpose, and his report and his testimony show that all the claims have been developed as a unit throughout.

The report of the Cunningham expert, Hawkins, shows the same thing, as does also the report of the syndicate's expert, Storrs. The Storrs report not only shows this, but also shows that the syndicate had considered the feasibility and the wisdom of controlling the whole Bering coal field. To summarize, it appears that—

(a) The history of the development of the claims shows that they considered it a joint concern.

(b) The Cunningham books of account show it was considered a joint concern.

(c) The fact that the locators never took any interest in their individual claims tends to show it was a joint concern.

(d) The fact that when their final certificates issued the claimants at once took steps to turn their claims over to the syndicate, each claimant getting the same price, although claims were not of equal value, shows the same thing.

(e) As does also the fact that over half the claimants have testified that they always acted on a mutual understanding to combine after title.

The memorandum of agreement or option contract between the Cunningham people and the Alaska syndicate for a half interest in the property was executed on July 20, 1907, and accepted by the syndicate on December 7, which was 19 days before the clear-listing order was made.

This agreement was made by Campbell, Moore, and Cunningham, acting as a committee on behalf of most, if not all, of the Cunningham claimants.

This memorandum is as follows:

A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and certain parties associated with them, as hereinafter explained, and hereinafter called the vendors, make the following representation and proposal to Daniel Guggenheim, of the city of New York, hereinafter called the vendee.

The said Cunningham, Campbell, and Moore, with 30 other parties, have acquired by purchase from the Government of the United States, under the Federal coal-land laws, 33 tracts of coal land of 160 acres each, aggregating 5,280 acres, situated in the Kayak recording district of Alaska near the Bering River, about 25 miles from Katalla, and also have acquired certain inchoate water rights on Lake Kustakaw intended to be used in the exploitation of said properties.

The title to these lands rests in final United States receiver's certificate of entry, issued one to each of said 33 persons, and the papers in application for patent are now before the Commissioner of the General Land Office for his action thereon.

In order to consolidate the several interests for the purpose of dealing with said properties as an entirety, it has been determined that each of said entrymen shall convey his title to his individual tract to the Union Trust Co. of Spokane, Wash., in trust, for the purpose of transmitting or dealing with the title to the consolidated tract in such manner as shall be directed by C. J. Smith, R. K. Neill, H. W. Collins, Frederick Burbridge, Fred H. Mason, A. B. Campbell, and Clarence Cunningham, or a majority of those acting as a committee of said entrymen appointed for that purpose.

Conveyances by some of said entrymen to said trust company have been executed and delivered, and it is contemplated that all will execute similar conveyances within a short time.

A meeting of said entrymen was recently held at the city of Spokane, in which 25 out of the 33 participated. At said meeting a resolution was unanimously passed authorizing said committee or a majority of them to enter into negotiations with parties with a view to the equipment, development, and operation of the consolidated property and the sale of its product.

Acting for themselves and as such committee representing their associates under said resolution, they submit to Mr. Guggenheim for his consideration the following proposal:

1. A corporation shall be formed under the laws of some State of the Union, under which laws meetings of directors may be held without the States of incorporation, the capital stock to be unassessable, and no individual stockholders' liability.

2. The capital shall be \$5,000,000, divided into 50,000 shares of the par value of \$100 each.

3. There shall be seven directors, three to be named by the vendors, three by the vendee. The seventh director shall be designated by the six named by the parties.

4. The title of all of said properties, including said inchoate water rights, shall be transferred to said corporation, in consideration for which there shall be issued to said vendors 25,000 shares of said capital stock.

5. The other half of said capital stock, viz, 25,000 shares, shall be deposited in escrow with the Bank of California, Seattle, with instructions to make delivery of same to Mr. Guggenheim or his nominee upon his payment to said depository, to the credit of said corporation, of the sum of \$250,000, or at the rate of \$10 per share. Said \$250,000 shall be paid in such sums and at such times as may be called for by the board of directors. Said money to be considered as "working capital," to be expended by said corporation in the equipment, development, and operation of said properties. As payments are made by Mr. Guggenheim to said bank the bank shall be authorized to deliver to him one share of stock for each \$10 so paid by him. Mr. Guggenheim shall have the privilege of paying said entire amount of working capital at any time, and thereupon to receive the entire 25,000 shares of said stock.

6. Should said sum of \$250,000 prove inadequate for the purpose of equipping and developing said property, Mr. Guggenheim shall advance or loan to the corporation an additional sum of money, not exceeding in the aggregate \$100,000, the corporation binding itself to repay such advances on or before three years after the date of making the same, at the option of the board of directors of said corporation, with interest at 5 per cent per annum.

7. Said corporation shall enter into an agreement giving to said Guggenheim or his nominee the exclusive right to purchase for the period of 25 years the entire "run-of-mine" coal mined from said property, or so much thereof as said Guggenheim or his nominee may require or demand, for the sum of \$2.25 per ton of 2,240 pounds. The coal is to be delivered at the mine either in bunkers to be provided by

the corporation for that purpose or upon cars, as said Guggenheim or his nominee may direct. Said Guggenheim or his nominee shall use their best endeavors to make a market for the coal in Alaska and in the ports and cities of the United States, to the end that as large a quantity of coal as possible may be mined. Said Guggenheim or his nominee shall agree to purchase all coal which they may require for use or sale from said corporation.

8. Payment for all coal so delivered to said Guggenheim or his nominee shall be made monthly, upon the basis of weights determined by the mine superintendent, such payments to be made at such place as may be directed by the corporation.

9. The corporation shall convey to such railroad company as may be designated by said Guggenheim, and which shall construct a railroad from tidewater to said mines, sufficient ground from its holding upon which to establish and maintain its tracks, switches, depots, terminals, stations, and other railway facilities.

10. The corporation shall further agree to sell and deliver, during the period of 25 years, to such railroad company as may be designated by said Guggenheim and which may construct a railroad from tidewater to the mines, all coal which may be acquired by said railroad company for consumption in its locomotives, shops, stations, and other facilities employed in the construction, maintenance, and operation of its railway, for the sum of \$1.75 per ton of 2,240 pounds, deliveries to be made at the mine in bunkers or on the cars of such railway.

11. The said Guggenheim shall have 20 days from the date hereof in which to determine whether or not he will cause an examination of said properties to be made with a view to an acceptance of this proposal if such examination proves satisfactory. He shall notify the vendors of such determination within said time by telegram addressed to Clarence Cunningham at Seattle, Wash. Thereupon if he elects to proceed with such examination he shall be allowed the period of four months thereafter to inspect the properties and investigate the titles thereto. If such inspection and examination prove satisfactory, he shall give notice of his final acceptance of this proposal by telegram directed to Clarence Cunningham, Seattle, Wash.

Thereupon the terms of this proposal shall be deemed binding upon all the parties and shall be carried into effect according to its tenor and purport.

12. It is understood, however, that said vendee shall not be required to proceed with said examination unless all of the 33 of the owners of said coal-land entries, or so many thereof as shall be satisfactory to said vendee, shall have conveyed their respective properties to said trust company, and said trust company shall, under the direction of said committee, and as the holder of the title to said properties, have accepted the terms of the proposal and obligated itself to unite with said vendors in carrying the same into effect in the event the examination of said properties and titles shall prove satisfactory to the vendee and he shall elect to finally accept the same.

Should the number of entrymen declining to convey their respective tracts to said trust company and participate in this proposal be so great as, in the judgment of said vendee, will prevent the successful inauguration and conduct of said enterprise, then and in that event this negotiation shall be at an end, and all parties shall be relieved from all obligations arising hereunder.

Witness our hands in duplicate this 20th day of July, 1907.

A. B. CAMPBELL,
M. C. MOORE,
CLARENCE CUNNINGHAM,

For themselves and as a committee representing their associates.

Signed in the presence of—
S. W. ECCLES,
CURTIS H. LINDLEY.

This option was duly accepted by the Guggenheims, as appears from the following telegram:

CLARENCE CUNNINGHAM, Esq.,
Seattle, Wash.:
NEW YORK CITY, December 7, 1907.

I hereby notify you that I finally accept the proposal made to me by A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and associates, in the memorandum of agreement of July 20, 1907.

DANIEL GUGGENHEIM.

Jones in his conversations with Mr. Ballinger and in his written reports to him in August told him that Alaska coal was generally believed to be drifting into the hands of the "Guggenheim outfit," and Schwartz says they all knew that the Guggenheims were thought to be reaching out to secure control of the mining interests and railroad traffic in the vicinity of Katalla, so that if he did not actually know of this condition he did know enough to lead a reasonably careful man to further investigation before acting in so important a matter on such flimsy and questionable evidence as the Love report.

But of all these reasons, important as they are, none is more important than the Cunningham journal, obtained from Cunningham by Glavis, and giving a succinct business history of the development of the claims. This history opens on February 1, 1903. On page 1 of the journal he gives a memorandum of the verbal agreements he had with the claimants, whom he designates "subscribers." This memorandum shows each "subscriber" is to own his claim individually till title can be secured. When title is secured, each claimant is to deed seven-eighths of his claim to a company to be formed and one-eighth to Mr. Cunningham, their common agent, and each "subscriber" is to receive "stock" in return. In the meantime each claimant paid his money for development into a common fund.

This journal shows that in his account he refers to each claim as an "interest," clearly meaning thereby an undivided part of the whole, and the journal entries constantly refer to our coal lands and our proposed railway company. He constantly and uniformly uses the words "we" and "our" in connection with the whole property; and he expended the

money contributed by all in such way that many of the 160-acre tracts or claims had no money at all expended on them. Then, again, some three or four of the claims had little or no workable coal on them, but did have timber, which would be of great value to the property as a whole, but of little or no value to the individual claim.

Would the owners of these timber claims, or the owners of coal claims on which no improvements were made, be satisfied to have their money expended on other people's land if they did not understand from the outset that the property was to be operated as a unit, and that each one had in fact an undivided interest in the whole?

With such understanding it mattered not on what part of the property the improvements were placed. Clearly the very thing they were doing was the very thing the law was enacted to prevent, and in thus ignoring and evading the provisions of the law these claimants were guilty of a fraud on the law which would and should render their claims void.

Cunningham says these plans to consolidate were made in February, 1903, more than a year before the passage of the act of 1904, and that after he learned of the passage of that act there was an entire change of plan.

His journal does not support him in this statement. The law was passed in April, 1904, and he surely heard of it and knew the provisions of it before October of that year. But we find, on page 22 of his journal, entries made in October, 1904, showing that he was shifting and transferring the claims from one to another as he saw fit, and regardless of the law.

One entry reads:

Mr. Sweeney succeeded H. M. Davenport, paying the unpaid assessments and having his name substituted. Davenport having sums paid by him returned without entering same.

Another reads:

Mr. Henry, president of National Bank of Commerce, Seattle, takes one interest in the coal fields.

In January, 1905, he writes on page 23 of his journal:

Each of the above persons subscribed for one interest. Mr. White gets one interest that was carried by Mr. A. B. Campbell through Mr. Hussey—

And this—

Claim carried by Mr. Moore was really by Mr. Campbell and transferred to Mr. Riblett.

On page 25 of the journal for March, 1905, he makes this entry:

Having 35 coal claims on our land we sold one claim to each of the above parties, thus making 33 paid subscriptions.

On page 27, for the month of April, 1905, he writes:

Made drafts on each of the subscribers to our coal-lands venture for \$100—

which seems to have been credited as paid.

Every one of these journal entries shows acts which are clearly in fraud of the law.

Other locations made later continue to show that there was really no change in the situation on account of the enactment of the act of 1904. Claims, or rather interests, were transferred from one to another, showing that "dummies" were used when necessary, and this was at a time nearly two years before the claimants had paid the Government price of \$10 an acre and when, clearly, they had nothing whatever to sell or convey.

Roads and trails for the benefit of "our coal-lands venture" were made at the common expense; a civil and mining engineer was employed to make a report on the whole 2,560 acres as one property, which he did, giving an estimate of the amount necessary to equip a mining plant with a capacity of 1,000 tons a day. This survey was completed on June 25, 1905, two and a half years before the clear listing of the claims.

In fairness to Mr. Ballinger, however, and giving him the benefit of the doubt, we must recur to the time of the clear-listing order, on December 26, 1907, and to the information which I have shown he then had ready at his hand if he chose to use it.

Put all that in one scale, and put the Love report in the other, remembering that Love was suspected and discredited in Alaskan matters; remembering that Love himself officially stated that his report did not clear list those claims, but, on the contrary, raised a question as to their regularity; and remembering also that on August 1—the day before he made the report—he wrote the register and receiver at Juneau not to issue the certificates of entry on them, as the department may wish to investigate them by some one else than himself; remembering all this, I say, can there be any doubt that the evidence in their favor was a mere insignificant trifle compared with the evidence and the presumptions against them? But it is said that Schwartz agreed with Mr. Ballinger, and Schwartz testified that he concurred in the clear-listing order. There is not a word in

the record tending to show that Schwartz thought these claims should be clear listed until the storm broke, or that he ever said so before the investigation began. He took this position for the first time in his testimony before the committee in 1910. But up to the time of the clear listing, and even as late as October, 1909, he vociferously insisted the claims were fraudulent. It is most singular that, if he really did concur in the clear-listing order, he never, in any written statement or communication, referred to such concurrence; but, on the contrary, he frequently asserted his belief that the claims were fraudulent and would be canceled.

On August 5, 1909, he wrote to Special Agent McEniry, Chief of the Field Division at Denver, saying:

I agree with Glavis that the claims are fraudulent and should be and will be canceled.

On August 21, 1909, he wrote to Carr, Mr. Ballinger's private secretary, saying:

I told Judge Ballinger about three months ago that this Alaska business was badly loaded, and the Judge told me some fellows got their ears so close to the ground they could not hear anything.

On October 6, 1909, he wrote to Special Agent Colter, at Detroit:

Now, Glavis knew that I had either signed or initialed practically every letter in relation to the Cunningham claims, and he knew then and knows now that I have always been of the opinion that the Cunningham claims were fraudulent and would be canceled.

And in his statement to the President of September 1, 1909, he says:

... we all knew ... that the Guggenheims were thought to be reaching out to secure control of the mining interests and railroad traffic in the vicinity of Katalla.

And on August 21, 1909, in his letter to Carr, Mr. Ballinger's private secretary, in referring to the Pierce opinion, which he thought was intended to aid the progress of the Cunningham claims, he used this quotation from Shakespeare's King John:

It is the curse of kings to be attended by slaves * * * that on the winking of authority * * * understand a law.

There can be no doubt, then, what Mr. Schwartz's real opinion was as to the fraudulent character of these claims. And yet on December 26, 1907, after a perfunctory examination of the Love report, and nothing else, in the presence of ex-Gov. Moore, who was urging them, Mr. Ballinger said, "It looks as though these can go along to patent all right," and Mr. Schwartz said, "I concur in that view." In the face of his numerous written statements to the contrary, it is hard to avoid doubting the accuracy of his testimony.

Mr. MADISON rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. GRAHAM of Illinois. I would not like to, unless he will guarantee that I shall get back the time I have lost.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADISON. I would like the gentleman to yield to me for a moment because the gentleman and myself are on the same committee.

Mr. GRAHAM of Illinois. Then I will yield.

Mr. MADISON. I would like to ask the gentleman if the evidence does not disclose the fact, over the signatures of both Schwartz and Secretary Ballinger, that at the time he made the order listing the Cunningham claim he had both the Jones reports before him and must have considered them?

Mr. GRAHAM of Illinois. Not at that very moment, but both before and after that time he had; yes, sir.

Mr. MADISON. When Gov. Moore was sitting there and when Schwartz was present is not the evidence irresistible that he had the Jones reports before him or was informed as to their contents, and that those things are shown over the signatures of those two men?

Mr. GRAHAM of Illinois. The gentleman is right, unquestionably.

What caused Schwartz to change the opinion he had always held as to their fraudulent character? Why did he concur with Ballinger that the claims could go to patent on this lame Love report, when such a concurrence was in violation of his long-formed judgment?

How aptly the quotation he used against Mr. Pierce applies to himself. Indeed, it seems to have been generally applicable in the Land Office at that time.

It also seems to have been pretty generally known there what the attitude of the "king" was as to these claims and how he wanted the law of 1908 construed.

The Pierce opinion construed the act of 1908 very favorably to the Cunningham claimants; in fact, it virtually nullified the act so far as it applied to them, and when this opinion, through Glavis's efforts, was brought to the attention of the Attorney General that officer overruled it. There was a claim afterwards made that the Pierce opinion did not include these claims, but

Schwartz's quotation and the conduct of the Land Office people show how the opinion was received and understood before any complications arose, before there was any necessity for explaining it away, and shows that they considered it favorable.

How aptly and how completely the witty, loyal, and loquacious Chief of the Field Service describes the situation by his brief quotation:

It is the curse of kings to be attended by slaves * * * that on the winking of authority * * * understand a law.

Let me expand this quotation a little. King John is on the throne and young Prince Arthur, the lawful heir, is a prisoner in the King's custody. He is an eyesore to the King, who is very anxious to get him out of the way, and with that end in view appeals to one of his retainers thus:

Hubert, throw thine eyes on that young boy;
He is a very serpent in my path, and wheresoe'er
My feet doth tread he lies before me.
Dost thou understand? Thou art his keeper.

The retainer understands and replies:

I'll keep him so
That he shall not offend Your Majesty.

Hubert, however, is more merciful than the King's suggestion would imply, and instead of murdering the Prince he proceeded to "keep" him by burning his eyes out with a red-hot iron.

In an effort to escape what seemed to him certain death, Prince Arthur is killed by jumping from the castle wall, and his body being discovered by his friends, they charged the King with the crime.

His Majesty was of course under the impression that the Prince had been murdered by Hubert, as indeed he expected he would be.

Then it was that when confronted with the charge of murder he exclaimed:

It is the curse of kings to be surrounded by slaves * * * that at the winking of authority * * * understand a law.

Why did Schwartz use this language, with the purport of which he is quite familiar? He used it no doubt because it so aptly described the situation, because it conveyed the thought in his mind more fully and more forcibly than a whole essay could have done.

And what is the application of it? Who are the characters in the drama as Schwartz saw it acted in the General Land Office?

Secretary Ballinger, as a matter of course, must be given the character of the King. Mr. Frank Pierce is the King's retainer, Hubert; the act of Congress of May, 1908, takes the place of the young Prince, as the victim.

Schwartz was probably as familiar with the whole situation as anyone living. He doubtless knew how the King felt toward young Arthur, or, in other words, how the Secretary felt toward the new law and how he wanted it construed. He probably knew what the Secretary said to Pierce which constituted "the winking of authority." He knew every circumstance and detail of the matter, and in this letter to Carr he condenses the whole situation into the well-known and well-chosen quotation referred to.

Had Schwartz taken the trouble to expand his thought and apply it to the situation before him it might have run after this fashion:

Franklin, throw thine eyes on far Alaska;
Its mines are rich beyond desire, and
My friends do hunger greatly for the spoil;
A vision of black diamonds ever lies before them.
Dost thou understand? Thou hold'st the key.

Franklin does understand, and on this "winking of authority" he uses the key, and with a brief and very brash opinion, he unlocks the door and marks the act of May, 1908, for immolation.

More fortunate than Prince Arthur, its bruised and lacerated body is recovered by Glavis, who, with the aid of friends, succeeds in restoring it to life and in frustrating the purpose of its assailants.

The majority of the committee commend Schwartz, but they condemn Glavis as being suspicious of his superiors without reason. I submit, that in view of the facts I have recited, Schwartz's conduct is not deserving of commendation and that Glavis's conduct is highly commendable.

And here just a word about the young man Glavis. He is truly a young man—when this story opens—only 24 years old. He had no ax to grind, no enemies to punish, no friends to reward. He had instructions to guide him in his work. He believed they were given seriously. He is by nature serious and matter of fact. He is not endowed with much imagination, but he has an abundance of courage, intelligence, and sterling honesty. His horizon is bounded by facts; and truth is a fact. He was convinced these claims were in fraud of the law, and hence a fraud upon the people.

A whole corps of his superior officers tried to shake his purpose, but in vain. Losing faith in the good intentions of the Commissioner of the General Land Office he appealed to his friend Schwartz and to the secretary. He believed the commissioner to be unfaithful, and in his firm faith in truth and right and justice he thought an unfaithful public servant must go and that truth and right must prevail. But there again he was deceived. His friend Schwartz clung to his superior, and so, chief, commissioner, and secretary all stand arrayed against him. What shall he do? He knows the value—the enormous value—of the property which is about to be fraudulently taken from the people. He wants to prevent it, but he finds the whole department with which he is connected dominated by the same feeling—the same spirit—and finally he turns to the Forestry Bureau for assistance. His appeal is entertained, his prayer is heard. Among the men who serve in the Forestry Bureau he thinks he finds a different standard of public morality prevailing. He finds them as faithful as the others seem faithless; the one on the alert to serve the people, the other to serve the syndicate; he finds the difference between active, aggressive, militant, public honesty, and that pretense of patriotism which appeals to the weaknesses and prejudices of the people while it exploits them; in short, the difference between Gifford Pinchot and Richard Ballinger.

There are many ways of manifesting courage. The world has celebrated in song and story the courage of men who in the clamor of war and the excitement of battle have marched face to face with death, and I would not pluck a single laurel from their brows, but I tell you there is a kind of courage higher even than that, the kind that stands alone, unaided, for months and even years, facing great odds, facing great loss, facing the loss of friends, the loss of place and of prestige, and yet stands ever solidly for duty and for that which is right, simply because it is right. That is the greatest courage, and that is the kind of courage shown by this young man Glavis.

Mr. Ballinger in his statement to the President of September 4, 1909, and in his testimony before the committee took the position that after he became Secretary of the Interior he renounced all connection with the Cunningham claims, retaining only the right to insist on expedition. The reason he gave for this was that he acted as legal adviser for the claimants in 1908, when he was out of office, and therefore could not consistently pass upon them for the Government when he became the head of the department having jurisdiction of them. He says he turned them over to Mr. Frank Pierce, his assistant, who was to have control of them. Whether Mr. Ballinger, in fact, turned these cases over to Pierce is discussed at some length on pages 39 to 42 of our report, and the conclusion is there reached that Mr. Pierce was only nominally in charge, and that Mr. Ballinger really continued in control; that his subordinates knew his attitude in the premises, and that he was, in fact, the guiding spirit in their management, merely putting Pierce in front as a figurehead.

But you ask, Why should he do that? Why should he not avow his connection with them, if, in fact, he had such connection? Why should he hide behind Pierce in the matter? I will try to make the reason clear.

In his statement to the President he says:

About the middle of May ex-Gov. Miles C. Moore, of Walla Walla, Wash., called on me about the Cunningham cases. I at once sent for Mr. Pierce and told Mr. Moore in the presence of Mr. Pierce that inasmuch as I had been called into consultation about the cases I could have nothing to do with them, and that he must take up all matters relating to Alaska with Mr. Pierce.

This seems very fair and very proper, since Mr. Ballinger was unfortunate enough to have acted as attorney or adviser for persons who had claims pending before him while he was commissioner and which would come before him again as Secretary of the Interior.

But another and a weightier reason will appear from the "personal and confidential" correspondence which Mr. Ballinger was then carrying on with big interests desirous of exploiting Alaska.

I propose to follow this "personal and confidential" correspondence and to place it side by side with his concurrent public and official acts and correspondence, and then leave it to the House to judge for itself whether he had not another and a stronger reason than the one he gave for keeping in the background in this matter and for making a buffer out of Mr. Pierce. I shall begin with a letter written by Mr. Ballinger on May 11 to Mr. R. H. Thomson, of Seattle, the man he had picked to place in charge of water-power sites and other valuable property as Mr. Newell's successor at the head of the Reclamation Service.

It will not escape your attention as I proceed that the "private and confidential" letters about the exploitation of Alaska

precede by so short a period his public protestations that he is taking no part in the Cunningham claims, that he could not possibly overlook or be unaware of the double part he was playing, and to suggest the thought that so far as separating himself from the Cunningham claims is concerned, he doth protest too much.

His public and official correspondence and conduct placed side by side with his contemporary acts and his private and confidential correspondence, date for date, and fact for fact, speaks far more forcibly and in a more accusing voice than could any words of mine. It opens with a "personal and confidential" letter to the general manager of the house of J. Pierpont Morgan & Co., one of the two great interests which comprise the Alaska syndicate. I read:

[Personal and confidential.]

MAY 11, 1909.

MY DEAR MR. THOMSON: Last Sunday I was the guest of Mr. George W. Perkins at Yonkers. Mr. Perkins is the head of the house of J. Pierpont Morgan & Co., as you perhaps know. He told me that he had arranged for a special boat to take himself and party, including his family, to Alaska for the investigation of the feasibility of exploiting Alaska in railroad construction and in other lines in which he is deeply interested. He will sail from Seattle about the middle of July.

He is desirous of having an engineer accompany him who is not allied to any Alaskan interests or to any railroad interests or other private connection which would in any way influence his judgment, and he has been insistent on my recommending some one familiar with the western country to take this voyage with him and to advise him. Naturally, I could think of no one so well equipped as you to fill this office, and as the connection is one of importance and the trip would be one of great pleasure and profit, it has occurred to me that you would enjoy this form of vacation. On receipt of this letter please wire me whether it will be worth while for Mr. Perkins to consider it possible for you to accompany him.

I hope you will not understand by the suggestion above that I have in any sense abandoned the hope of securing your services in the matter about which we conferred in Seattle. I anticipate that not later than September I will be able to formally present the matter to you.

Sincerely, yours,

R. A. BALLINGER.

MR. R. H. THOMSON,
City Engineer,
Seattle, Wash.

To this letter Mr. Thomson wired a reply, and wrote as follows:

OFFICE OF CITY ENGINEER,
Seattle, Wash., May 20, 1909.

MY DEAR MR. BALLINGER: I have just wired: "Can arrange northern trip, but it may interfere Spokane congress. R. H. Thomson."

Upon receipt of your letter I, of course, went to the mayor with reference to a possible absence. I said to him that you had asked me to make "a trip for unknown purposes with unknown parties to an unknown part of Alaska, beginning about the middle of July."

Much to my surprise, this worked on his honor's curiosity in a most wonderful way, and for two days he has tried to see if he could not lead out on something that would reveal the purpose. I know nothing more than I first stated.

He said to me late this afternoon that he had made up his mind you wanted me to catch some bunch of thieves, and he would like to know who they were, so as to help me catch them.

"Now, Thomson," said he, "you wire the judge you can go, but that if you do it may make it impossible for you to attend the Irrigation Congress at Spokane, and you show me his answer."

Under these conditions, judge, please write me a blind letter which I can show him, so as to

On May 10, 1909, five days after Ballinger thus wrote Thomson, Glavis reached Washington to consult with the office as to the meaning of the act of May, 1908.

On May 17, Glavis had an interview with Ballinger, in which the Secretary seemed to think the law favorable to the claimants. Glavis urged that the question be submitted to the Attorney General. Ballinger consented and directed Glavis and Schwartz to prepare a statement for submission to Mr. Wickersham, which they did. But that same day this statement found its way to Pierce's office instead of the Attorney General's.

On May 19 Pierce issued an opinion construing the act favorable to the Cunningham claimants. Glavis was ordered to make a report at once in conformity with that opinion, and some days later he did so.

On May 22, 1909, ex-Gov. Moore wrote a letter from the New Willard Hotel, Washington, D. C., to Mr. Ballinger, saying Pierce had proved a disappointment, and, among other things, expressing the feeling of disappointment he and Mr. Ballinger's other friends felt, and saying a reconsideration of the matter would be appreciated, to which Mr. Ballinger replied, as follows:

MAY 24, 1909.

HON. MILES C. MOORE,
Walla Walla, Wash.

MY DEAR SIR: I am in receipt of your letter of May 22, 1909, expressing your disappointment at opinion of First Assistant Secretary Pierce with reference to what are known as the Cunningham coal entries in Alaska, and stating that it seems to you that a technicality has been allowed to govern rather than a liberal construction of law.

In reply, I have to advise you that I can not undertake to issue any order or make any ruling in the matter as requested, because of the embarrassment which would result from the fact that I was, while not holding an official position, called upon to advise in the matter. The case has, however, been carefully looked into, and I wish to say that, in view of all the facts now disclosed, I would, if I were ruling upon the matter, hold that the principle announced in the opinion of Judge Hanford, in the case of *United States v. Portland Coal & Coke Co.*, et al., October 5, 1908, is directly applicable to these cases, and that if the allegations made be proven, patents can not issue under the provisions of the act of April 28, 1904.

As you have been advised, the department is disposed to give the coal-land act of May 28, 1908, as liberal a construction as is consistent, and, if you and your associates desire to take advantage of that act, you should proceed in accordance with same and with circular of instructions of July 11, 1908. In this connection, attention is directed to the paragraph of instructions entitled "Pending entries."

Very respectfully,

R. A. BALLINGER,
Secretary.

satisfy his request, if not his curiosity. I must confess to a considerable disappointment at the curiosity manifested.

If I go, I will only say that I have chosen to take my summer rest by visiting Alaska; this statement will be satisfactory to the mayor.

I expect to go east of the mountains in a day or two with Mr. Parry and with Judge Hanford to visit their irrigation works. I will also stop for a day at North Yakima.

Very truly, yours,
R. H. THOMSON.

On receipt of Mr. Thomson's wire and before Thomson's letter of the 20th reached him, Mr. Ballinger wrote him as follows:

[Personal and confidential.]

MAY 22, 1909.

MY DEAR MR. THOMSON: I have your telegram of the 20th in answer to my letter respecting your accompanying a party on an Alaskan trip. I am not in position at this time to give you any further information respecting this trip, and I am not sure that I will be in position to make any recommendation to Mr. Perkins in this particular further than what has already been said verbally.

There is a question in my mind whether it would be advisable for you to make this trip in view of my desire to have you meet the President in case he goes to Seattle and Alaska. In speaking with him to-day it has been agreed that no change would be made in the head of the Reclamation Service until he had had an opportunity to meet you.

With best regards, I remain,
Yours, very sincerely,
R. A. BALLINGER.

MR. R. H. THOMSON,
City Engineer, Seattle, Wash.

DEPARTMENT OF THE INTERIOR,
May 26, 1909.

To R. H. THOMSON,
Seattle, Wash.:

Answering wire 20th, Alaskan trip canceled.

BALLINGER.

Thomson replied to this wire as follows:

MAY 26, 1909.

HON. R. A. BALLINGER,
Secretary of Interior,
Washington, D. C.

MY DEAR MR. BALLINGER: I am just in receipt of your wire of this day, advising me as to the cancellation of the Alaska trip, and I have shown the same to Mayor Miller. He is very greatly pleased, because he thinks I can be of more service to the country attending the Spokane congress than in chasing thieves in Alaska.

Very truly, yours,
R. H. THOMSON.

Following his wire of the 26th, Mr. Ballinger wrote on the same day:

[Personal and confidential.]

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 28, 1909.

MY DEAR MR. THOMSON: Yours of the 20th at hand. Upon its receipt I wired you as follows: "Answering wire 20th, Alaskan trip canceled." I sent you this wire partly so that you could show it to Mayor Miller if you desired, and for the further reason that I believe that under all the circumstances it was the proper thing to do.

I am having a great deal of difficulty in bringing the Reclamation Service into proper accord with the law, as various matters had been undertaken in disregard of the statute. I refer particularly to the contracts entered into for cooperative work in relation to water users' associations, whereby cooperative certificates have been issued for work, labor, and materials, etc. The Attorney General

On May 23, Glavis laid all the facts before Mr. Henry W. Hoyt, attorney general for Porto Rico, who denounced the Pierce opinion.

On May 24, Mr. Hoyt presented the matter to Attorney General Wickersham, who agreed with him as to the law, and arranged through Hoyt to meet Glavis early next morning. On that day Gov. Moore wrote the Secretary a letter saying he was going to take the matter up with the President through Senator JONES. This letter reached the Secretary about May 27, and on that date he sent the following reply:

SECRETARY'S OFFICE,
DEPARTMENT OF
THE INTERIOR,
Washington, D. C., May 27, 1909.

MY DEAR SIR: Replying to your letter of May 24, addressed to me from Chicago, in which you criticize the action of Asst. Secretary Pierce and Chief of Field Division Glavis in connection with the Cunningham coal entries, I can only reiterate what I have heretofore stated to you, that I am not in a position to dictate to the officers to whom these matters have been assigned, particularly in view of the fact that I feel some embarrassment on the ground of having heretofore advised your people before I became Secretary of the Interior. I believe your criticisms are unwarranted, but have myself taken this matter up with the President and the Attorney General, so that the action of this department will probably be reviewed by the latter, in which event you will be promptly advised.

Very truly, yours,
R. A. BALLINGER,
Secretary.

MR. MILES C. MOORE,
Walla Walla, Wash.

On May 25, as agreed on, Glavis called on the Attorney General, who said he would talk the matter over with Mr. Ballinger at the Cabinet meeting to which he was then going. He did talk about it there with Ballinger, and the same day Ballinger talked with the President, as stated in his letter of May 27 to Gov. Moore.

On May 26, the day after his talk with the President and the Attorney General, Ballinger directed Pierce to submit the matter to the Attorney General in writing.

And on May 27 Ballinger sent for Glavis, and told him not to make his report on the Cunningham claims, as he had been directed to do, that he was having the question submitted to the Attorney General. When informed the report was already filed Ballinger told him to withdraw it.

has just declared, pursuant to my request, that these contracts and certificates are totally void. He has decided, in effect, that the only source of moneys or means for carrying on reclamation work is the reclamation fund itself. As soon as I can get copies of this opinion I will forward one to you.

The salary of the director, as it now stands, is \$7,500 per annum; that of the chief engineer, \$6,000; consulting engineers are paid \$5,400.

Very truly, yours,
R. A. BALLINGER.

MR. R. H. THOMSON,
City Engineer,
Seattle, Wash.

Apparently Mr. Ballinger received some word from Mr. Perkins which is not in evidence, for four days later he again wrote Thomson as follows:

[Personal and confidential.]

JUNE 2, 1909.

MY DEAR MR. THOMSON: Your letter of the 26th ultimo just at hand. Mr. Perkins is very anxious that you should be in position to recommend some one to accompany him on his voyage to Alaska, starting shortly after July 4, for a period of about six weeks.

The purpose of his trip, in the strictest confidence, is the investigation of feasible railway construction in Alaska, with mineral resources and possibilities tributary to any line or lines of road that might be considered feasible, and, in short, desires a man of that experience in engineering and in mining who would be a safe and conservative adviser along these lines. While I know a number of persons on the coast who might possibly fill the bill, I hesitate to recommend any of them whom I recall at the present time. I know that your acquaintance with men of engineering and mining experience ought to enable you to suggest a man who would fill the bill.

When the subject was first mentioned to me, as I have heretofore written you, you were the only person I could think of whom I could recommend, and in further discussing the matter with Perkins after learning the inadvisability of your going, he was quite insistent that you should assist him in getting a man. He will probably be in Seattle about July 4, and will call upon you. In the meantime you will please write Mr. George W. Perkins confidentially, at his address in New York, care J. Pierpont Morgan & Co., and you can state that you have written him at my request. Any further information you want from him he will give you without hesitation. I have assured him that he could place implicit confidence in any statements you would be willing to make.

I am hoping to be able to leave Washington June 25, and unless it is necessary to change my plans will be in Seattle in the neighborhood of July 10.

I am sending you, under separate cover, also in confidence, a copy of the opinion of Attorney General Wickersham, recently rendered at my request, in connection with the reclamation work, which fully sustains the position I had theretofore taken.

With best regards, I remain,
Yours, very sincerely,
(Signed) BALLINGER.

MR. R. H. THOMSON,
City Engineer, Seattle, Wash.

He then wrote Mr. Perkins this letter to keep him informed:

[Personal and confidential.]

JUNE 5, 1909.

MY DEAR MR. PERKINS: I have written Mr. R. H. Thomson, city engineer of Seattle, to advise you respecting a suitable person, qualified as an engineer and as a mineralogist, such as we discussed when I saw you last, to accompany you to Alaska. I have asked him to write you direct, and advised

M. C. MOORE & SONS (INC.),
LOANS AND INVESTMENTS,
Walla Walla, Wash., June 4, 1909.

HON. R. A. BALLINGER,
Secretary of the Interior,
Washington, D. C.

SIR: This acknowledges yours of the 27th ultimo, in which you say you have yourself taken the matter up with the President. Just why you did not want Senator Jones to see the President and submit our statement is not quite clear, but I

him that, for certain reasons, I would prefer that he would not go to Alaska, as I wish to take up with him certain business matters this summer.

I expect to leave for the West about the 24th of this month, arriving in Seattle on or before the 10th of July. If you do not sail for Alaska prior to that date, I will hope to be able to see you. Should you be in Washington, I trust you will call upon me.

Very truly, yours,
R. A. BALLINGER.

MR. GEORGE W. PERKINS,
Care Messrs. J. P. Morgan
& Co., Wall Street, New
York, N. Y.

To this Mr. Perkins replied:

23 WALL STREET,
New York, June 7, 1909.

MY DEAR JUDGE BALLINGER: I have your letter of the 5th. I expect to reach Seattle on the 2d or 3d of July and be there for three or four days, sailing for Alaska the 6th or 8th of July. I hope I may have the pleasure of seeing you out there.

I am very much obliged for your letter to Mr. R. H. Thomson. I presume I will hear from him in due course.

Sincerely, yours,
GEO. W. PERKINS.

HON. R. A. BALLINGER,
Washington, D. C.

Will be back about August 12, 1909.

The next letter is from Thomson to Ballinger: JUNE 14, 1909.

HON. R. A. BALLINGER,
Secretary of Interior,
Washington, D. C.

MY DEAR MR. BALLINGER: I am in receipt of your two letters, one of June the 2d, relating to the matter of Mr. Perkins, and one of June the 3d, containing the opinion.

I am writing Mr. Perkins to say that I will have a man ready for him upon his arrival. I am not perfectly clear as yet whom I will send, but I will have somebody ready for him.

Everything here is moving fairly well. No complaint to make along any line.

With best regards, I am,
Very truly, yours,
R. H. THOMSON.

Ballinger replied on its receipt:
[Personal.]

JUNE 19, 1909.

MY DEAR MR. THOMSON: Permit me to acknowledge your letter of the 14th instant and to thank you for the information contained therein.

Very truly, yours,
R. A. BALLINGER.

MR. R. H. THOMSON,
City Engineer, Seattle, Wash.

The following letter from Mr. Ballinger to Mr. Perkins is a reply to a letter which was mislaid or lost and hence could not be produced in evidence:

JUNE 20, 1909.

MY DEAR MR. PERKINS: Your letter of the 19th inviting my son Edward to accompany you on your trip to Alaska is received. I wish to thank Mrs. Perkins and yourself for the invitation, but I fear it is not best for him to spend his time during his summer vacation on a voyage of this nature, as I have planned that he will have to do some studying to keep up with his college work. I have advised him, however, of your invitation and asked him to see you at Seattle on your arrival. Were it not for the necessity of his making up some delinquencies in his school work I would be greatly pleased to have him accompany you. He was, unfortunately, not as well qualified to enter college as he should have been. My son will be in Seattle on the 22d of this month, having left college on the 17th. I will not arrive in Seattle before the 10th of July, but hope your sailing

will try to believe you thought our interests would be best subserved by presenting the matter yourself.

It was only after you had said you could not undertake to issue order or make any ruling in the matter by reason of your having been at one time legal adviser for the entrymen that it occurred to me the matter should be brought to the President's attention. If he rules against us or refuses relief, we will, of course, be obliged to accept his ruling as final, but we will never be convinced that it was fair.

It is hardly worth while to discuss the matter further, but I feel compelled to say that when the coal-land law was extended to Alaska the Government invited its citizens to avail themselves of its privilege. These entrymen spent large sums of money and many years of time in a careful effort to comply with the law, and I think you know no fraud was intended or any law violated. Some claimants aver that they never talked of a consolidation or heard it discussed, or never heard that Cunningham expected an eighth or any interest other than his own claim.

Commissioner Dennett, in a letter to the writer, dated April 20, says disclosures in a detailed report from field, received within the current month preclude action on the entries at present time. It would appear that the coal claimants should know what they are charged with and have an opportunity to explain. It is further submitted that opportunity should be afforded to prepare and present a statement of our position in this matter of long-delayed patents. This request you are respectfully asked to approve.

Very truly,
MILES C. MOORE.

will not be before I arrive home, as it will give me great pleasure to see you and Mrs. Perkins.

Mr. Thomson has advised me that he has written you respecting an expert, and I hope he will be able to find a proper person for you.

Please give my best regards to Mrs. Perkins, and believe me,
Yours, very sincerely,
(Signed) R. A. BALLINGER.

MR. GEO. W. PERKINS,
23 Wall St., New York City.

Mr. Ballinger did not get to Seattle in time to meet Mr. Perkins before his departure for Alaska, but in order to render communication easy, Mr. Lindsay, agent of a J. P. Morgan & Co. interest, wrote him as follows:

[New York Life Insurance Co., 346 and 348 Broadway, New York. Darwin P. Kingsley, president. Seattle branch office, Seattle National Bank Building, corner Second Avenue and Columbia Street. Telephones: Sunset, main 843; Independent, 402. L. Seton Lindsay, agency director; Herman Dietz, cashier.]
SEATTLE, WASH., July 15, 1909.

HON. R. A. BALLINGER,
Land Office, Federal Bldg.,
Seattle, Wash.

DEAR MR. BALLINGER: I omitted to mention yesterday when I saw you that should you at any time wish to send a telegram to Mr. George W. Perkins, that you could reach him over the wireless, or, if you prefer, send the message to my office and I will see that it gets to him.

I will let you know the date of Mr. Perkins's arrival here as soon as I know anything definite myself. I expect to see him here about August 12.

Yours, very truly,
L. SETON LINDSAY.

The column on the left shows the "personal and confidential" letters; the one on the right shows some of the events happening concurrently.

Well knowing of his secret connivance with the syndicate's general manager, how necessary it was that Mr. Ballinger should to all outward appearance have no connection with Alaska or the Cunningham claims!

The President, in his letter of September 13, 1909, exonerating Secretary Ballinger and authorizing the discharge of Glavis, says:

The record overwhelmingly establishes that expressly because of your previous relation as counsel to one of the claimants, from the time you entered upon your duties of the office of Secretary of the Interior until the present day, you have studiously declined to have any connection whatever with the Cunningham claims.

And again:

Moreover, in May last you came to me and made a similar statement to me of your course and intention in respect to those claims.

If the President had known of this "personal and confidential" correspondence in aid of the exploitation of Alaska, a correspondence which was being carried on at the very time Mr. Ballinger was assuring him that he intended to have nothing whatever to do with the Cunningham claims, would he have written as he did?

It was on the 24th of May that Glavis saw Hoyt, and Hoyt arranged for an interview between Glavis and Attorney General Wickersham for the morning of the 25th, at which interview Glavis told of the Pierce opinion and of the scandal that was likely to follow if it was allowed to stand. Later that day, at the Cabinet meeting, the Attorney General told Mr. Ballinger of his conference with Glavis, and then it was that Ballinger mentioned it to the President.

Now, mark how things were going on. Mr. Ballinger had written Thompson two weeks before, on May 11; and on May 20 Thompson wrote a reply, saying he could go to Alaska with Mr. George W. Perkins as expert adviser on the exploitation tour. Allowing this letter five days to reach Washington, Mr. Ballinger would have received it the very day he was giving the President the assurance that he was taking no personal part in Alaska coal claims. It would require the pen of a Robert Louis Stevenson to properly portray the true nature of such conduct.

If the President knew that while Mr. Ballinger was assuring him of his intention to avoid any connection whatever with these claims he was carrying on a secret correspondence with the

manager of a great syndicate which then had a good grip on many of the most valuable interests in Alaska and was reaching out, with the "personal and confidential" aid of Mr. Ballinger, to get more, what would he have thought and what would he have said?

Is it not a most humiliating situation, that a Cabinet officer, one of the President's official family, the trustee of public property of untold value, should be caught red-handed in the work of secretly aiding selfish and powerful interests in the work of exploiting the very property he held in trust? And then to think that in spite of this exposure, and in disregard of outraged public conscience, he is still permitted to hold his position and continue to administer a trust he secretly endeavored to betray! [Applause on the Democratic side.]

In our report we have shown—I think I might say demonstrated—that while Mr. Ballinger was out of office in 1908, he accepted money from the Cunningham claimants for professional services rendered them in connection with those claims, and that such conduct was, to say the least, in violation of the ethics of the legal profession, and was reprehensible; that in his dealings with the President his conduct and his communications were intended to deceive, and had the effect of deceiving, the President; that his action in sustaining Mr. Perkins, of the Chicago office of the Reclamation Service, and virtually making him independent of his superior officers, although guilty of flagrant violations of duty, was inexcusable; and we also discussed at some length the Ballinger-Perkins-Thomson confidential correspondence, and we drew conclusions therefrom. These were among the very material things before the committee for its consideration, and yet the majority report has not a word to say on any of these matters.

Why this silence? Why did they ignore such charges and the reasons given in support of them? Our report was filed on September 9, theirs on December 7. They had three months in which to study ours, and answer or explain it. They found there, supported by our reasons, a specific charge that Mr. Ballinger improperly received a fee of \$250 from the Cunningham people, and they ignored it; they found a specific charge, and a discussion of the evidence supporting it, that Mr. Ballinger did not keep his hands off the Alaska coal matters and leave them to Pierce, as he told the President and the people he was doing; that while Pierce was in the foreground, Ballinger was in the background; that although the hand was the hand of Esau, the voice was the voice of Jacob [applause on the Democratic side]; and they ignore the charge. They found a specific charge, with a discussion of the evidence supporting it, that Mr. Ballinger condoned highly improper official conduct on the part of Mr. Perkins, of the Chicago office, and they ignored it; they found a specific charge, based on the evidence, that Mr. Ballinger was uncandid and guilty of duplicity in his dealings with the President, and that he intentionally deceived him in official matters, and they ignored it; they found a discussion of the evidence as to his conduct in carrying on a "personal and confidential" correspondence with a representative of the Alaska syndicate, with a view to aiding the syndicate to exploit the property he held in trust, and they ignored that, too.

Mr. Chairman, under these circumstances, to ignore these charges is to admit that the evidence sustains them.

And, besides, the treatment of some of the evidence which is discussed in the majority report is not, in every instance, conspicuously fair. For instance:

On page 15 of their report Mr. Ballinger's testimony is quoted, from page 3575 of the hearings, as follows:

I did not represent any of them professionally or otherwise. They never had been clients of mine from a legal standpoint. I never had professional business or legal business with a single one of these men that are enumerated as Cunningham entrymen.

I think it is safe to say that when a specific part of the evidence is thus quoted by the committee on a disputed point, and no reference is made to any other evidence on that point, those who quote it must be understood to mean that the quotation gives the substance and weight of all the evidence on that point; and any reader of their report would fairly conclude that the quotation did give the weight of all the evidence. Now, does the quotation fairly do so? I say it does not; on the contrary, the weight of the evidence is clearly the opposite of the statement quoted.

In his statement to the President; in Senate Document No. 248, page 71; in his various letters to ex-Gov. Moore on that subject; in his telegrams and letters to Schwartz, Dennett, and Pierce; and in other ways Mr. Ballinger has stated that he didn't want to have anything to do with the Cunningham claims as Secretary of the Interior, *because* he had advised the

claimants professionally when not in office, in 1908. He admits that he received \$250 from Clarence Cunningham in connection with his services, and that that sum would be a fair fee for the service rendered; and in the letter exonerating him, the President says [italics ours]:

The record overwhelmingly establishes that expressly *because of your previous relation as counsel to one of the claimants* * * * you studiously declined to have any connection whatever with the Cunningham claims.

Thus it appears that the impression made by the quotation is not correct, and to put it mildly, shows a great want of familiarity with the testimony.

On page 13 of the majority report, and again at page —, it is argued that a "mere hope" to consolidate after entry was not a violation of the law.

This is trifling with common sense. It is not a question of a mere unexpressed hope.

How did Cunningham know what had *always* been the hope of the parties, if that hope did not find expression in words?

Cunningham knew what the law was, and, by every rule, his statement must be construed against his interest. His language clearly implies an expectation or an intention rather than a "mere hope." I have read that "Hope springs eternal in the human breast," but I never read, even in poetry, of the same hope springing into the breasts of 25 or 30 widely separated men at the same time, involving the same subject matter, and that one of them knew what this hope was and when it took possession of the others.

And they were not poets or dreamers or visionaries, either. They were hard-headed business men seeking for big profits. Among them is one ex-governor of a great State, then a bank president; two are presidents of important corporations; five are prominent officers in banking institutions; one is an ex-president of the Federal Mining & Smelting Co.; and many of the others occupy prominent positions in mining, manufacturing, life insurance, and other large business interests, and each and all of them knowing well when he took his claim or subscribed for his "interest" that it would be impracticable to develop and operate one claim, or even four claims, under the circumstances.

When one familiar with the evidence reads in the majority report that what the evidence shows amounted only to a "mere hope," one can hardly avoid the thought that some person not of the committee aided in preparing their report.

Who could believe that ex-Gov. Moore or A. B. Campbell would put his money into common improvements at the outset and wait for his profits till Nelson's claim and Sweeney's and the others were worked out and his claim was reached? Is it not clear that from the very beginning they expected the profits to be divided as dividends?

They also say, on page 15, that there was no protest against the clear listing at the time it was made, on December 26, 1907. It is true there was no one then present protesting, for no one likely to protest knew the matter was about to come up for consideration. Only a day or two before that Glavis left the Land Office for the West to investigate this very matter and in the belief that time would be given in which to make the investigation.

Who supposes he would not have protested then had he known what was about to be done, as he did protest when he learned of it four weeks later? But are not the Jones reports, the Cunningham plat, and the other documentary evidence which I have referred to (then as easy of access as the Love report), a sufficient protest, if one were desired?

They say, on page 17, in an attempt to explain the great haste made in the preparation of patents for these claims, that patents usually issue in from 30 to 90 days after the papers reach the patenting division. But the weight of the testimony, including a statement by Senator NELSON, the chairman of the committee, was that from three months to three years was the usual time.

On page 23 they argue that the "hope" the Cunningham people entertained was for the "joint working" and not the "joint ownership" of the claims. This argument implies that in the judgment of the majority the "joint working" of the claims would be allowable under the law.

If that position be sound, the law is indeed a most remarkable misfit—nay, an abortion. It was intended to prevent monopoly in Alaska coal, but if it permits the "joint working" of coal claims and allows the claimants to arrange from the outset for the joint working of claims, how does it tend to prevent monopoly in the coal business?

The land the coal is in has no known value apart from the coal, but according to the argument of the majority the law denounces only "joint ownership;" hence the claimants can

agree as much as they please for "joint operation" of the mines, but not for the joint ownership of the land. Congress intended to make a law against a monopoly in coal, but they tell us it succeeded only in making a law against monopoly in land, which is of no value except for the coal. Congress meant to give the people bread, but according to the majority it succeeded only in giving them a stone. To what straits the gentlemen must have been reduced for reasons when they put that one in print.

On page 24 of their report, the majority concede that Secretary Ballinger favored the Cale bill in 1908 before he left the office of commissioner, but that he is not justly subject to attack for that, as he had a provision inserted that the price should be not simply \$10 per acre, as before, but *not less than* \$10 per acre.

But why did the gentlemen stop there? They told but a half truth, and every one knows how misleading that often is. Had they gone further they would have said that some Alaska claims had gone to entry; that is, the \$10 per acre had been paid, and the receipt certificates therefor had issued, and that the Cale bill made an exception in favor of such claims. As none but the Cunningham claims had proceeded that far, none but the Cunningham claims would get the benefit of the exception. The language of the bill in that regard might just as well have read, "This bill is intended to favor the Cunningham claims." No other conclusion can be fairly drawn from the evidence.

Again, the majority say, on page 56, that there is no evidence that the Alaska syndicate attempted to acquire any other interest than half of the Cunningham claims. The word "attempted" is shrewdly chosen in that statement, and so far as I recall, the statement is literally correct. But there is evidence that they *intended* to acquire other coal property there. It appears they sent their expert, Mr. Storrs, to the Bering coal field to make a full examination and report as to the conditions. His report is good evidence of what he was sent there to do, and that report is a part of the evidence heard by the committee. It is on pages 2326 to 2339. It covers the entire field of about 30,000 acres, whereas the Cunningham claims include only 2,560 acres. It tells in detail of the quantity and quality of the coal in each group of claims, and it tells of the strategic position of each group. Some, on account of their location, he says, it would seem unnecessary to acquire at this time, as they are pocketed and would await the syndicate's convenience; others it would be good policy to get control of as soon as possible.

The statement of the majority is, I repeat, true to the letter. The syndicate had made no attempt to acquire these other claims, so far as the evidence discloses; indeed, the other claims had not proceeded far enough for that; but in view of their expert's report I ask you, Does the statement of the majority fairly state the situation? Is it not a trifle too literal? And the letter killeth.

On page 59 of their report the majority say that—

Kerby, as confidential clerk to Ballinger, had kept track of all his doings and had communicated such facts as he knew to Ballinger's enemies; but all that Kerby could suggest by way of criticism was that he came to the conclusion that Ballinger intended to remove Newell and appoint R. H. Thomson, whom Kerby did not think a fit man.

This statement is inaccurate in at least three ways. In the first place, the evidence does not warrant the statement that Kerby "kept track of all his doings." As his private stenographer, Kerby necessarily knew of such of the Secretary's doings as he dealt with in his official capacity. That is the only foundation for the statement which would seem to imply that he was playing the rôle of detective. He never went out of his way to watch Ballinger. In the next place, there is no evidence that he told all he knew to Ballinger's enemies, or to anybody, till he told it to the committee; in addition, it distinctly appeared that he would not have told all he knew about Mr. Ballinger, even to the committee, if members of the committee had not forced him to do so. It was only when cornered and, in a measure, compelled that he mentioned the Ballinger-Perkins-Thomson confidential correspondence, and the evidence makes it very clear he would not have voluntarily told it at all. The evidence also makes it clear that he never did tell it to "Ballinger's enemies." In the third place, it is scarcely accurate to say he could suggest nothing by way of criticism, except the Newell-Thomson matter.

Surely it will not be claimed that Mr. Ballinger's course with reference to the so-called Lawler memorandum is above criticism; surely gentlemen would admit that the "personal and confidential" correspondence referred to is a proper subject for severe criticism, so that the majority in saying Kerby knew only one subject of criticism was only one-third right.

I do not, and will not, attempt to point out all the inaccuracies and erroneous conclusions in the report filed by the majority, but I have, I think, shown enough to enable you to judge of its

general nature and merits. I have shown that there are grievous sins of commission in it, and even more grievous sins of omission; that it is, unintentionally, of course, defective and misleading in what it does deal with, and even more so in what it fails to deal with.

Mr. Chairman, I have no personal feeling whatever in this matter, and am in no way moved or influenced by such motive. I am influenced only by a desire for the public good; by a desire to see this great Government of ours administered for the benefit of the whole American people, poor as well as rich, rather than for the benefit of great interests, already too powerful. The birth of this Republic was a protest against special privilege, an assertion of the rights of the common man, and it stands to-day as the hope of the common man.

But if its affairs are to be administered by persons who are not in sympathy with the common rights of common men, and who are controlled by those who already enjoy special advantage and seek more, we can hardly hope to preserve it in its great mission as a Government of the people for the people.

If I have exhibited any feeling in discussing this matter it is only because the evidence convinces me that Mr. Ballinger has listened to the siren song of those who are seeking to obtain property rights and public advantages to which neither the moral law nor the law of the land entitles them, and that he had adopted a course of policy in the administration of his great office which if followed generally would reverse the wheels of political progress, would give the lie to the Declaration of Independence, and eventually place the American people in the position of drones producing wealth for a favored few to enjoy.

Our report has been prepared in this spirit. We have tried to follow where the evidence led, regardless of personalities.

Personally, I think the first duty of government should be to protect the poor and the simple and the weak; but unfortunately government agencies are too often used by the cunning and the powerful for the purpose of exploiting and despoiling those whom it is its first duty to protect. I may be visionary, but I do hope for the time when the people will demand and insist that public servants shall be true to public interests, and when, in practice as well as in theory, all citizens will be accorded equal rights before the law.

It is my hope that this investigation may have contributed something to that end.

May God hasten the day when the unfaithful public servant, in whatever station, shall be an object of public scorn and contempt, the day when we shall have risen to the splendid Jeffersonian ideal—equal and exact justice to all, special privileges to none. [Loud applause.]

Mr. FOSS. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] has 1 hour and 30 minutes and the gentleman from Tennessee [Mr. PADGETT] has 40 minutes remaining.

Mr. FOSS. I yield to my colleague, the gentleman from Tennessee [Mr. PADGETT] 30 minutes.

The CHAIRMAN. So that the gentleman from Tennessee [Mr. PADGETT] will have 1 hour and 10 minutes, and the gentleman from Illinois [Mr. Foss] will have 1 hour.

Mr. FOSS. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned until 10 o'clock a. m., Friday, February 17, 1911.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31599) to authorize the Minnesota River Improvement and Power Co. to construct dams across the Minnesota River, reported the same with amendment, accompanied by a report (No. 2178); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MORSE, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 5266) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States, reported the same with amendment, accompanied by a report (No. 2179), which said bill and report were referred to the Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10357) authorizing the Secretary of the Interior to issue patent to David Edgington covering homestead entry, reported the same without amendment, accompanied by a report (No. 2181), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 31576) granting a pension to Sinclair R. Boone, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHEPPARD: A bill (H. R. 32807) for an investigation by the Geological Survey of the water resources of the Red River Basin; to the Committee on Appropriations.

By Mr. WEEKS: A bill (H. R. 32808) to amend an act entitled "An act relating to rights of way through certain parks, reservations, and other public lands," approved February 15, 1901; to the Committee on the Public Lands.

By Mr. ROBINSON: A bill (H. R. 32809) authorizing the Independent Order of B'nai B'rith of the United States to occupy and construct buildings for the use of the organization on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; to the Committee on the Public Lands.

By Mr. CRUMPACKER: A bill (H. R. 32810) providing for the registry of officers, clerks, and employees in the Federal service, and for other purposes; to the Committee on the Census.

By Mr. BENNET of New York: Resolution (H. Res. 977) requesting the President to furnish the House of Representatives certain information; to the Committee on Foreign Affairs.

By Mr. STEENERSON: Resolution (H. Res. 978) providing for consideration of the bill H. R. 28436, to further increase the efficiency of the Organized Militia, and for other purposes; to the Committee on Rules.

By Mr. BENNET of New York: Concurrent resolution (H. Con. Res. 60) for the annexation of Canada; to the Committee on Foreign Affairs.

By Mr. ANDREWS: Joint resolution (H. J. Res. 289) approving the constitution formed by the constitutional convention of the Territory of New Mexico; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32811) granting an increase of pension to George Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32812) granting an increase of pension to William Mereness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32813) granting an increase of pension to Sarah L. Mount; to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 32814) for the relief of Michael O'Hara; to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 32815) granting an increase of pension to Samuel B. Reed; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 32816) to carry into effect the findings of the Court of Claims in the case of D. H. Chamberlain; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 32817) granting a pension to Charles W. Clarke; to the Committee on Pensions.

By Mr. PICKETT: A bill (H. R. 32818) for the relief of the widow of George H. Morisey; to the Committee on Accounts.

By Mr. SHARP: A bill (H. R. 32819) granting a pension to Hannah M. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32820) granting a pension to Delilah Worley; to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 32821) granting an increase of pension to Benjamin Spicer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Union Grange, No. 1078, of Seneca County, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Collin King; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of Association of Military Surgeons of the United States, for the creation of a department of health; to the Committee on Agriculture.

By Mr. BRADLEY: Petition of Washington Camp No. 26, Patriotic Order Sons of America, Port Jervis, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of New York Agricultural Society, for a general parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CARLIN: Paper to accompany bill for relief of Dominic N. Brown; to the Committee on Pensions.

By Mr. CARY: Petition of Banner Council, Junior Order United American Mechanics, of Milwaukee, Wis., for the illiteracy test in immigration law; to the Committee on Immigration and Naturalization.

By Mr. COOPER of Pennsylvania: Petition of Uniontown Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CREAGER: Papers to accompany House bill 18219, for the relief of Susan Sanders; to the Committee on Indian Affairs.

By Mr. DALZELL: Petition of Council No. 28, Turtle Creek, and Sherwood Council, Pittsburg, Junior Order United American Mechanics; Washington Camp No. 752, Mifflinburg, Pa.; Local Camp No. 921, Matilda, Pa.; Daniel Webster Camp, Johnstown, Pa.; Kenderton Camp, Markleysburg Camp, Wrightsville Camp, Patriotic Order Sons of America; United Brotherhood of Carpenters, Wilkes-Barre, Pa.; and United Brotherhood of Carpenters and Joiners, Monongahela, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Samuel Reed; to the Committee on Invalid Pensions.

By Mr. DODDS: Petition of citizens of Mecosta County, Mich., favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of Association of Military Surgeons, for a national department of health; to the Committee on Agriculture.

Also, petition of Philadelphia Chamber of Commerce, for maximum facilities and minimum rates on all kinds of transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York State Agricultural Society, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. ELLIS: Paper to accompany bill for relief of Edmond Bonneau; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Theodore Hansen; to the Committee on Pensions.

By Mr. ESCH: Petition of Philadelphia Chamber of Commerce, demanding maximum facilities and minimum rates in readjustment of the parcels post, and for transportation of any kind; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Metal Trades Department, American Federation of Labor, Washington, D. C., insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910; to the Committee on Naval Affairs.

Also, petition of W. D. Stevens, many business men of New York, and Typothetæ of New York, and Printing Trade News, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New York, against treaty of arbitration with Great Britain; to the Committee on Foreign Affairs.

Also, petition of New York State Agricultural Society, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Association of Military Surgeons, favoring Senate bill 6049, relative to a national department of health; to the Committee on Public Health and National Quarantine.

By Mr. FULLER: Petition of W. H. Lou, of Rockford, Ill., against increased postage rate on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of G. A. Saru Sons & Co., of Rutland, Ill., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the De Laval Separator Co., against Canadian reciprocity as it affects cream separators; to the Committee on Ways and Means.

Also, petition of Metal Trades Department, American Federation of Labor, for eight-hour day and for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. GARDNER of Massachusetts: Petition of Merrimack Council, Junior Order United American Mechanics, of Groveland, Mass., and Amesbury Council, No. 10, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Capt. Jas. C. Gannon and 71 other fishermen of Boston, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of William E. Bliss and 23 other residents of Salem, Mass., against Senate bill 404, relative to Sunday rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HANNA: Petition of citizens of North Dakota, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Philadelphia Chamber of Commerce, for legislation to secure in all kinds of transportation the maximum of facilities with a minimum of rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents on rural postal routes in North Dakota, favoring House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of House of Representatives of North Dakota, against the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of residents of North Dakota on rural routes, for House bill 26791; to the Committee on the Post Office and Post Roads.

Also, petition of the De Laval Separator Co., against placing centrifugal cream separators on the free list; to the Committee on Ways and Means.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of W. H. McManus, representing Manufacturers' Association of Portland, Oreg., against the Burnham parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against Senate bill 404, relative to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Washington, against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Washington, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. KORBLY: Petition of Lieutenant Frank S. Clark Camp, No. 2, Indiana United Spanish War Veterans, favoring resolution relative to Francis M. Huls; to the Committee on Pensions.

By Mr. KRONMILLER: Petition of Washington Camp No. 78, Patriotic Order Sons of America, Baltimore, relative to House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LANGHAM: Petition of sundry business men in Pennsylvania, against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Washington Camp No. 425, Patriotic Order Sons of America of Ohl, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LINDBERGH: Petition of citizens of Sauk Center, Minn., for increase in pay of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of Society of Friends in New England, for neutralization of the canal; to the Committee on Military Affairs.

By Mr. McHENRY: Petition of Washington Camps Nos. 156 and 106, Patriotic Order Sons of America, of Trevorton and Centerville, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of Banner Grange, No. 860, of Yale, Mich., against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union of Algonac and Detroit, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Fredk. A. Tilton, manager Security Trust Co., of Detroit, Mich., against increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Port Huron Trades and Labor Council, against repeal of act of July 1, 1898, relative to method of printing bonds, notes, and checks of the Government; to the Committee on Printing.

By Mr. MAGUIRE of Nebraska: Petition of business men of Burchard, Nebr., business men of first Nebraska congressional district, and citizens of Falls City, Nebr., against parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Julian and Union, Nebr., favoring regulation of express companies by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Nebraska, for building battleships in Government yards; to the Committee on Naval Affairs.

Also, petition of citizens of Otoe County, Talmage, and College View, Nebr., against Senate bill 404, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of Washington Camps Nos. 346, 135, 518, 227, 711, 197, 3, 444, and 602, Patriotic Order Sons of America, and Local No. 602, Junior Order United American Mechanics, favoring enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Kensington Lodge, No. 217, and West Philadelphia Lodge, No. 303, International Association of Machinists, favoring retention of eight-hour provision in naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Metal Trades Department of the American Federation of Labor, Washington, D. C., against abolition of the eight-hour provision in naval appropriation bill; to the Committee on Naval Affairs.

Also, petition of Philadelphia Drug Exchange and Retail Grocers' Association, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of Philadelphia Chamber of Commerce, for extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. A. MITCHELL PALMER: Petitions of Hellertown Council, No. 838, Junior Order United American Mechanics, and Washington Camp No. 253, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petition of Washington Camp No. 6, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PLUMLEY: Petition of Rising Sun Council, No. 34, Junior Order United American Mechanics, St. Johnsbury, Vt., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Petition of Napoleon Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of F. H. Conger, of the Auld & Conger Co., Cleveland, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ROBINSON: Paper to accompany House bill 32526, granting certain property to the city of Hot Springs for a public park; to the Committee on the Public Lands.

By Mr. SULZER: Petition of the Association of Military Surgeons of the United States, favoring a national department of health, to that end favoring Senate bill 6049; to the Committee on Agriculture.

Also, petition of the Allied Trades Council; Paul Black, of New York; the Trow Press, New York; C. S. Address and 150 other prominent business men of New York City; the Trow Directory Printing and Binding Co., J. Fred Millar, W. C. Kimball, Charles W. Price, Physical Culture Publishing Co., Langer & Williams, Every Woman's Magazine, and the Perkins Goodwin Co., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Rhode Island Lodge, No. 147, International Association of Machinists, of Providence, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Town Council of Tiverton, R. I., favoring Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petition of Pomona Grange, No. 22, Patrons of Husbandry, of Newtown, Bucks County, Pa., and Key-

stone Grange, No. 2, of Montgomery County, Pa., for the enactment of Senate bill 5842, relating to oleomargarine; to the Committee on Agriculture.

Also, petition of Thomas Haigh, of Richland Center, Pa., commander of Post No. 145, Grand Army of the Republic, Department for Pennsylvania, for an appropriation for the immediate construction of the Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, preambles and resolutions of the Manufacturers' Club of Philadelphia, against the enactment of legislation for so-called reciprocity with Canada as provided in the recent agreement; to the Committee on Ways and Means.

Also, petition of Local Union No. 465, United Brotherhood of Carpenters and Joiners of America, of Ardmore, Montgomery County, Pa., for the construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of Grande View Grange, No. 124, Patrons of Husbandry, Flemington, N. J., and Ringoes Grange, No. 12, Patrons of Husbandry, Ringoes, N. J., against Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of Robert T. Messler and other citizens of Somerville, N. J., and George M. Gill, of Orange, N. J., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of De Laval Separator Co., of New York, against placing centrifugal cream separators on the free list; to the Committee on Ways and Means.

Also, petition of Raritan Valley Grange, No. 101, Patrons of Husbandry, of South Branch, N. J., and Heightstown Grange, No. 96, of Cranbury, N. J., against reciprocal tariff with Canada; to the Committee on Ways and Means.

Also, petition of Manuel Kline, jr., and other citizens of Trenton, N. J., for building battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

SENATE.

FRIDAY, February 17, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BEVERIDGE, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

USELESS PAPERS IN DEPARTMENT OF COMMERCE AND LABOR.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a list of useless papers in that department which are not needed or useful in the transaction of the current business. The communication and accompanying papers will be referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. GALLINGER] members of the committee on the part of the Senate. The Secretary will notify the House of the appointment thereof.

UNIVERSAL RACE CONGRESS.

The VICE PRESIDENT laid before the Senate a communication from the executive committee of the Universal Race Congress of London, England, extending an invitation to the Congress of the United States to attend the first universal race congress to be held in the University of London July 26 to 29, 1911, which was referred to the Committee on Foreign Relations.

SENATOR FROM TEXAS.

Mr. BAILEY presented the credentials of CHARLES A. CULBERSON, chosen by the Legislature of the State of Texas a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6953) authorizing contracts for the disposition of waters of projects under reclamation acts, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to

the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912; further insists upon its disagreement to the amendments of the Senate Nos. 18 and 49 to the bill; recedes from its disagreement to the amendment of the Senate No. 23, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers;

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased;

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases, to \$2 a day, and for other purposes;

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians; and

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Home Market Club, of Boston, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Boot and Shoe Club, of Boston, Mass., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the memorial of Pearl Wight, of New Orleans, La., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted at a meeting of the National Association of Box Manufacturers held at Memphis, Tenn., praying for the establishment of a permanent tariff board, which were ordered to lie on the table.

He also presented resolutions adopted by the Iowa Association of the Philippine Islands, relative to the death of the late Senator JONATHAN P. DOLLIVER, of Iowa, which were ordered to lie on the table.

Mr. BEVERIDGE. I present a telegram from Thomas McCullough, manager of the National Association of Box Manufacturers, which I ask be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

MEMPHIS, TENN., February 16, 1911.

Senator A. J. BEVERIDGE,
Washington, D. C.:

The following resolutions were passed by the National Association of Box Manufacturers. Please use in promoting the cause of a permanent tariff commission:

"Resolved, That we, the National Association of Box Manufacturers, in convention assembled at Memphis, Tenn., on this, the 16th day of February, 1911, do heartily indorse the establishment of a permanent tariff commission.

"Resolved, That this resolution shall be forwarded to the President of the United States and to both branches of Congress."

THOS. MCCULLOUGH, Manager.

Mr. BEVERIDGE. I also present the following telegrams to be printed in the RECORD without reading.

The VICE PRESIDENT. The telegrams will be printed in the RECORD if there be no objection.

Mr. SCOTT. I certainly will object, because we all get such telegrams, and if we put them all in the RECORD it would be so large that it would take a cart to haul it.

Mr. BEVERIDGE. If the Senator objects I will simply say that most of them are from my own State, and that they are on both sides.

Mr. SCOTT. If the Senator will look across the aisle, he will see the telegrams the Senator from North Carolina [Mr. OVERMAN] has in his hand to present.